

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20809
Docket Number MW-20675

Francis x. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood that:

(1) The Carrier violated the Agreement when it assigned the **work** of tuck pointing the record building at 12th and Canal Streets, Chicago, Illinois to outside forces (System File **15-3/MW-84(c)** 3-1-73).

(2) The Carrier further violated the Agreement **when** it did not give the General **Chairman** prior written notification of its plan to assign said tuck pointing work to outside forces.

(3) **B&B** Foreman R. J. Harris, Mason A. H. **Hoppenstedt**, Carpenters P. Jones, H. **Santu**, Carpenter Helpers V. **Rodriquez**, B. T. Jenkins, D. **Briggs** and J. Miller each be allowed pay at their respective straight-time rates for an equal proportionate share of six **hundred** ninety-six (696) man-hours expended by outside forces in performing the aforementioned **work**.

OPINION OF BOARD: The record demonstrates that tuck-pointing is not customarily performed by Carrier **employees** and Petitioner has failed in its burden of proof by not contending that such **work** was ever done by claimants, let alone customarily performed by them. Therefore **we** must deny the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the **dispute** involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of August 1975.