

Carrier contends that there is a long and unchallenged practice of reassigning machine operators whose machine is not available to him while maintaining the machine operator's rate of pay and of using extra employees to fill day to day vacancies as was done in these instances.

From our review of the record we find no record of on-property challenge of the stated practice. Rule 15 does not support the position advanced by petitioner. In fact, It does not address the issue involved in this dispute.

Petitioner has failed in their burden to substantiate the alleged violation with probative evidence. 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 Employee involved in this dispute are respectively Carrier and Employee 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. Paulson*
Executive Secretary

Dated at Chicago, Illinois, this 15th day of January 1981.