

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **23207**
Docket Number MS-23249

Rodney E. Dennis, Referee

(E. L. Woods

PARTIES TO DISPUTE: (

(**Southern** Pacific Transportation Company (Pacific Lines)

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an **ex parte** submission 30 days from date of this notice. **It** will be covering an unadjusted dispute between myself **and** the Southern Pacific Transportation Company, **involving** the question:

Claim is for Position 39, at **Medford**, Oregon, for increase in rate from \$58.57 to \$59.97 (new rate \$64.49 to \$65.93) and all raises from date of this claim, each day worked until **consummated**. The claim involved is in violation of TOPS Agreement, dated September 16, 1971.

OPINION OF BOARD: The herein claim **seeks** to have this Board establish a new higher rate for Position No. 39 at **Medford**, Oregon. We have carefully reviewed the entire file and all of the **arguments** advanced by petitioner and **respondent** carrier and conclude that we are unable to grant the relief sought.

Carrier advances several **arguments** -- some persuasive -- **seeking** to have the claim dismissed. We need not rule on these, however, because we find that claimant had the burden of proving certain basic elements of the **claim**. This he failed to do. **He** quotes from various rules and offers general allegations. **He** does not, however, even attempt to explain how he perceives the rules to have been violated, nor **does** he offer any evidence to show how this was done.

Our Award 19276 **is** on point. We will dismiss 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 Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

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

That the **claim** be dismissed.

A W A R D

Claim dismissed.

NATIONAL **RAILROAD ADJUSTMENT** BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this **16th** day of **March 1981**.

