

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23838

Docket Number CL-23352

Carlton R. Sickles, Referee

PARTIES TO DISPUTE: { (Brotherhood of Railway, **Airline** and Steamship Clerks,
(Freight **Handlers**, Express and Station **Employees**
(Soo Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL8965) that:

(1) Carrier violated the effective Agreement, specifically Rules 1, 2, 6(a), and 49, when Carrier employes not of this **Craft** and Class performed the duties of the Assistant **Chief** Yard Clerk on each **shift** from Sept. 26 through Sept. 30, 1977.

(2) Claimants are Assistant Chief Yard Clerks and they shall be compensated on each of the **specified dates** at the rate of time and one-half at the Assistant Chief Yard Clerk's rate of pay.

C. Lunderborg: Sept. 26, 27, 28 and 30, 1977.
R. Gagne: Sept. 26 and 27, 1977.
E. Hanlin: Sept. 26, 27, 28, 29 and 30, 1977.
L. Staeden: Sept. 28, 29 and 30, 1977.
L. Eoog: Sept. 30, 1977.

OPINION OF BOARD: Claimants allege that **yardmasters** performed work customarily and **historically performed** by clerical **employees** at Shoreham during the period September 26, 1977 until October 1, 1977 when the work was again performed by clerical employees.

The **Carrier disagrees** that the specific work was performed exclusively by clerical **employees** at Shoreham and further pointed out other **locations** in the system where "blocking", the work at issue, is performed by **yardmasters**.

There is some confusion in the record as to the exact nature of the work being complained of and the exact functions which have been allegedly performed by the respective parties.

However, since this dispute involves the alleged performance of clerk's work by **yardmasters** in violation of the agreement between the parties, the claimants, in order to prevail, must prove that historically, traditionally, **usually**, and customarily, the work in question has been exclusively performed by clerks on the carrier system. See Awards 12360 and 12897.

A complete review of the record reveals that the claimants have failed to satisfy their burden of proof that the work involved was exclusively performed by the clerks on the carrier system, and the claim will be dismissed for want of sufficient evidence.

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 has not been violated.

A W A R D

claim dismissed.

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

Attest: Acting Executive Secretary
National Railroad **Adjustment** Board

By *Rosemarie Brasch*
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of **March** 1982.

