

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25878

Docket Number MW-25450

Lamont E. Stallworth, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Burlington Northern Railroad Company
(St. Louis-San Francisco)

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

(1) The Carrier violated the Agreement when it abolished the position of Fuel Foreman at Springfield, Missouri on August 12, 1982 and assigned the work of that position to storeroom employes (Clerks) (System File B-1773/MWC 82-11-19).

(2) Fuel Foreman Boyd Phillips shall be allowed the difference between his lower pay-rated earnings on the position to which he displaced and what he would have earned if his position as Fuel Foreman at Springfield, Missouri had not been abolished."

OPINION OF BOARD: In this case, the nature of the work involved changed. Originally, the work involved unloading and pumping fuel from a fuel tank car into Carrier's storage tanks, involving hook-up work, disconnect work, and numerous hours of pumping. The fuel is now delivered by truck, the driver connects and disconnects the hose, a meter measures the intake, and the entire process takes about 40 minutes.

There is no evidence presented that an employee of any kind is required to unload the fuel. There is no proof in the record that unloading tank trucks is work exclusively in the jurisdiction of Claimant. There is no evidence presented that supports exclusivity on this work exists. In the absence of such proof, there is nothing to sustain 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;

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

That the Agreement was not violated.

Award Number 25878
Docket Number MW-25450

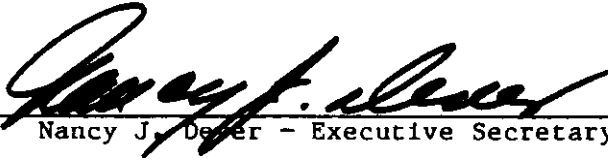
Page 2

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1986.