

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26228  
Docket Number MW-26193

Charlotte Cold, Referee

(Brotherhood of Maintenance of Way ~~Employes~~  
PARTIES TO DISPUTE: (  
(St. Louis Southwestern Railway ~~Company~~

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

1. ~~The~~ Carrier violated the Agreement when it failed to maintain the required ratio of ~~No.~~ 2 Bridgemen in the Bridge and Building Gangs and thereby denied Mr. J. D. Jackson an opportunity to exercise his seniority in the ~~No.~~ 2 Bridgeman's class (System File MW-83-39-CB/53-679).

2. ~~AS~~ a consequence of the aforesaid violation, Claimant J. D. Jackson shall ~~be compensated~~ for all wage loss suffered beginning September 19, 1983 and continuing until the violation is corrected and he shall ~~be reimbursed~~ in the amount of \$228.00 per month for the expense he incurred in obtaining family insurance each ~~month~~ during the claim period."

OPINION OF BOARD: On November 15, 1983, Claimant filed a Claim for wages lost because of Carrier's alleged violation of Article 16, Section 22, of the Parties' Agreement. In the course of handling on the property, the Organization maintained that this violation came about as the result of Carrier's abolishing all No. 2 Bridgemen positions in the B&B Department.

In reviewing this Claim, however, we find the record on the property to ~~be~~ barren of any evidence of a probative nature to support Claimant's case. It is a basic tenet of the Railway ~~Labor~~ Act that all evidence to support a Claim must ~~be~~ advanced by the Parties on the property prior to progressing the Claim to the National Railroad Adjustment Board. ~~That~~ was not done in this instance and the Claim must consequently be denied.

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.

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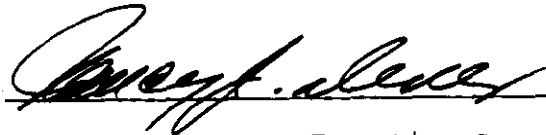
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A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

A handwritten signature in cursive script, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1987.