

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(Brotherhood of Maintenance of Way Employes
PARTIES TO DISPUTE: (
(Soo Line Railroad Company

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

(1) The Carrier violated the Agreement when it assigned Car Department employes instead of Bridge and Building Department forces to paint the interior walls in the East end of the Roundhouse at North Fond du Lac, Wisconsin on May 12, 1984 [System File 1 45(c, e)/800-46-B-183].

(2) The claim as presented by General Chairman G. G. Western on June 4, 1984 to Regional Engineer G. A. Nilsen shall be allowed as presented because said claim was not disallowed by Chief Engineer W. B. Peterson (appealed to him on August 13, 1984) in accordance with Sections (a) and (b) of Rule 13.

(3) As a consequence of either or both (1) and/or (2) above,

'the named members of B&B Crew 602 each be reimbursed for the equivalent of 2 2/3 hours pay at the time and one half rate to compensate them for the total of 16 man hours of work lost to them as a result of the above violation which occurred on their assigned rest day.'"

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

As Third Party in Interest, the Brotherhood Railway Carmen of the United States and Canada was advised of this dispute and filed a Submission.

Claimants are regularly assigned to B&B Crew 602 at North Fond du Lac, Wisconsin. Claimants had a Monday-Friday work week and rest days on Saturday and Sunday. On Saturday, May 12, 1984, Carrier assigned two carmen to perform painting work in the North Fond du Lac roundhouse. The Organization thereafter filed a claim on Claimants' behalf, challenging Carrier's use of carmen to perform this work.

This Board has reviewed the evidence in this case, and we find that there is no merit to the procedural claims raised by the Organization.


With respect to the substantive issues, this Board finds that the Organization has not met its burden of proof and this Board is not convinced that the Carrier violated any aspect of the Agreement when it assigned carmen to do the work in question. Therefore, the claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1988.