

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Chesapeake and Ohio Railway Company (Southern Region)

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

(1) The Carrier violated the Agreement when it failed and refused to permit Messrs. Roy A. Washington, Roy L. Adkins, Joseph E. Shepperd, Kirk Parker, Greg Woods, Greg Williamson, Allen K. McKee, Ardith Stollings, J. Watts, J. L. Salyers, James McCall, Richard C. Geiger, Gene Gross, Danny Ziemer, Pearl Graham, Ulysses J. Howard, Daryell Maybrier, William Womack, Charles E. Hodge, William L. Maybrier, Claxton Knowles, Clinton Snyder, James Ruckman, James N. Crum and Timothy C. McComas to complete their workday on September 16, 1983 (System File C-TC-1964/MG-4320).

(2) Because of the aforesaid violation, the claimants shall each be allowed four (4) hours of pay at their respective straight time rates."

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 employees 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.

At the outset, the Board observes that certain substantive matters belatedly were raised by the Organization after this case left the property. This Board has consistently held that it may only consider matters which have been raised on the property.

Turning to the record developed on the property, we conclude, after a careful review, that the Organization has failed to carry its burden of proof on the property and the claim is denied on that basis.

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Award No. 27294
Docket No. MW-26388
88-3-85-3-121

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 12th day of August 1988.