

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 28495  
Docket No. SG-28630  
90-3-88-3-479

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

PARTIES TO DISPUTE: ( (Brotherhood of Railroad Signalmen  
(Union Pacific Railroad Company  
(Missouri Pacific Railroad Company)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad (formerly the Missouri Pacific):

Claim on behalf of L. B. Roberts for payment of \$101.25 account of Carrier violated the current Signalmen's Agreement, as amended, particularly Rules 22 (b) and 19 (b), when it allowed or permitted a junior employee to displace him from Lead Signalman position in Gang No. 9470 on October 27, 1987. G. C. File: 87-41-UL."

FINDINGS:

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

The carrier or carriers and the employee 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.

The Board has carefully reviewed the record assembled by the parties to support their respective positions. The Organization on the property asserts that the Claimant was displaced by a junior employee on October 27, 1987. However, the facts, as we are best able to determine, are not sufficiently clear for this body to make a proper finding. Accordingly, the Claim is dismissed for failure to carry the burden of proof.

A W A R D

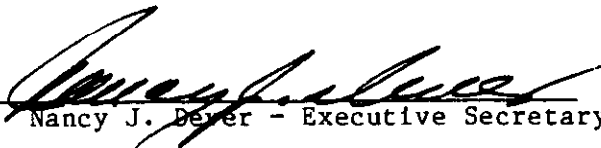
Claim dismissed.

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NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 7th day of August 1990.