

CORRECTED

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31677
Docket No. MW-31496
96-3-93-3-512**

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

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

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier assigned Track Gang 445 employees to perform track patrol work on the assigned territory of Patrol Gang 442 on July 11, 12, 18, 19, 25, 26, August 2, 8, 9, 18, 22, 23, 25, 30 and September 14, 1991 instead of assigning District Gang 442 (Track Foreman R. D. Long and Trackman Driver G. D. Jackson) (System Files B-1495-1/8MWC 91-10-07D and B-1495-5/MWC 92-11-03A SLF).**
- (2) As a consequence of the violation referred to in Part (1) above, Track Foreman R. D. Long and Trackman Driver G. D. Jackson shall each be allowed fifty-nine (59) hours' pay at their respective time and one-half 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 employee or employees involved in this dispute are respectively carrier and employee 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.

This is a companion to Third Division Award 31670. It involves the same gangs, issues, arguments and Agreements.

As in that case, the Organization failed to meet its burden of proving the Agreement has been violated.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 29th day of August 1996.