

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33500
Docket No. CL-34839
99-3-98-3-550**

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

(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

"CLAIM I

I, Gene Ferrari, claim eight hours pay for work (Clerical) performed by Warren Bostwick (Trainmaster) at Ayer Magg on Thursday, July 24, 1997, in that he called Conductor Ray Willon and advised him that another Coop Reserve had arrived at Ayer on Selazz car is (SP=247125).

When I arrived at Ayer Tower 0800, July 23, 1997, - Warren told me over the phone that he had given Ray Willon the car number, as Willon on AYI was going east that day. This is my work not trainmaster's.

CLAIM II

I, Gene Ferrari, claim eight (8) hours at (1 1/2) time and one-half for work being done by Trainmaster Warren Bostwick. On July 28, 1997, prior to my reporting to work, did instruct Conductor Mark Peters that the GMX cars were on West Main Street and did instruct Conductor Peter to spot these cars at GMX MEC 29108, Rbox 35717, BM 79032.

This is my work. I'd like to have the opportunity to complete same."

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 were given due notice of hearing thereon.

These claims were filed account Carrier's Trainmaster allegedly performed clerical duties by instructing Train Crews as to the work which they were to perform.

The Organization has the burden to prove the Agreement has been violated.

The Carrier argues that the Trainmaster was performing the normal duties of instructing Train Crews under his authority.

The record is void of any proof that clerical employees have the exclusive right to give instructions to Train Crews. Ergo, the Organization has failed to meet its burden.

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 22nd day of September 1999.