

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33615
Docket No. CL-33652
99-3-97-3-134**

The Third Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

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

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11694)
that:

This claim is on behalf of Ms. Beverly Myers, Clerk, Collections Department, Boston and Maine Corporation (Springfield Terminal Railway Company). Claim is for the following [sic] dates: July 3, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, and 31. (Please note that July 10, 1995, is for one half day only.) Claim is for the difference in Ms. Myers rate of 1331 [sic] as compared to Clerk's in the outside agencies who make 14.19 per hour.

Carrier violated the agreement when it took work from the outside agencies and never notified the organization nor made an agreement to do so, thus assigned to the position [sic] held by Ms. Myer in the Collections Department at North Billerica, Massachusetts.”

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.

Claimant is a Clerk in the Collections Department at North Billerica, Massachusetts. On 15 dates in July, 1995, Claimant and the Organization contend that Claimant performed the duties of a higher rated position during at least half of her shift and, on most dates, her entire shift. For each claim date, Claimant seeks the difference between the hourly rate of her position (\$13.31) and the hourly rate of the higher rated position (\$14.19).

On the property and before this Board, Claimant and the Organization vaguely asserted that Claimant performed work normally accomplished at outside agencies. Besides this overly broad, general reference to the duties ostensibly added to her position, Claimant and the Organization never described what duties Claimant performed on the claim dates. Therefore, this Board must deny the claim for lack of proof because the record does not contain evidence concerning what duties Claimant performed on the various dates in July 1995.

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 16th day of November 1999.