

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33616
Docket No. CL-33653
99-3-97-3-135**

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

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

STATEMENT OF CLAIM:

**“Claim of the System Committee of the Organization (GL-11695)
that:**

This claim is on behalf of Ms. Beverly Myers, Clerk, Collections Department, Boston and Maine Corporation (Springfield Terminal Railway Company). The Claim [sic] is for four (4) hours time and one-half for the following dates:

May 22, 23, 24 and 25, 1995.

The Carrier violated the Agreement when it allowed a junior employee to perform overtime. The Carrier violated Rules 17 and 18.”

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, a Clerk in the Carrier's Collections Department at North Billerica, Massachusetts, seeks four hours of overtime pay for May 22, 23, 24 and 25, 1995. Claimant charges that on those four dates, the Carrier assigned a junior employee to perform overtime service even though Claimant was available and qualified to perform the work.

Despite repeated requests by the Carrier that the Organization identify the work in dispute, the Organization failed to muster facts or evidence demonstrating or describing the type of work which a junior employee purportedly performed on the claim dates. Absent evidence concerning the type of work at issue, we must deny this claim.

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.