

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33847
Docket No. SG-34465
99-3-98-3-121**

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

PARTIES TO DISPUTE: (**(Brotherhood of Railroad Signalmen**
(**(CSX Transportation, Inc. (former Baltimore & Ohio**
(**Railroad Company)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (B&O):

Grievance on behalf of all Independent Signal Maintainers at the Cincinnati Terminal to require that Bulletin No. CTRM-0036 be corrected to indicate that the assigned territory for the position advertised in that bulletin is Queensgate Yard, account Carrier violated the current Signalmen’s Agreement, particularly the Cincinnati Terminal Agreement, when it advertised the position as having a territory of Cincinnati Terminal. Carrier’s File No. 15(97-74). BRS file Case No. 10472-B&O.”

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.

The burden, of the party alleging a violation of the Agreement, is not only to cite a specific Rule and/or Agreement that is alleged to have been violated, but also to demonstrate how it was violated.

In this case, the Organization's Statement of Claim is so vague that it is difficult to understand just what violation allegedly occurred and the remedy sought. If the Organization just seeks the Board's concurrence that the cited bulletin was incorrect, we are at a loss to understand how it would affect "all Independent Signal Maintainers in the Cincinnati Terminal."

The first claim presented alleged a violation of the Cincinnati Terminal Agreement, which is 47 pages in length, and cites a Side Letter concerning overtime as though the alleged improper bulletin led to an improper assignment of overtime, yet not one iota of evidence was presented to demonstrate that the Carrier improperly assigned anyone to any overtime work.

When, upon appeal, the Carrier stated that the claim was based upon "some unexplained portion of the Cincinnati Terminal Agreement," the Organization, in its last on-property letter, finally referred to "page 9(b) and PROPOSED APPENDIX C," that supposedly contained "all the information needed to support our position."

The Board disagrees. Page 9(b) (or Section 9(b)) of the Cincinnati Terminal Agreement does not support the Organization's position; nor does Appendix C.

The claim is vague. The Organization failed to prove its allegation that the Carrier issued an alleged improper bulletin by furnishing specific Rule and/or Agreement support.

AWARD

Claim dismissed.

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 21st day of December 1999.