

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 34200
Docket No. CL-35048
00-3-98-3-794

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn 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-12490) that:

On behalf of Mr. Robert Michaels, TSR, Rigby Yard (Portland Maine), for eight (8) hours at the rate of time and one half, for October 28, 1997.

Carrier violated the Agreement when it allowed Mr. Victor Tardiff, Non-Scope Employee to perform clerical IBM work on October 28, 1997, without calling a spare TSR at straight time.

Rules violated are 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 18A-1, 18A-2, 18A-3, 18A-4, 34.1, 34.2, 34.3, 34.4, 34.5, 34.6, 34.9, 34.10, 34.11 and all other rules of this Agreement.”

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.

On the property, the Organization asserted that the Carrier violated the Agreement when it allowed V. Tardiff, a non-Scope covered employee, "to perform clerical IBM work on October 28, 1997, without calling a spare TSR at straight time." Also submitted on the property by the Organization were various computer printouts. The Carrier denied the claim on the basis that "there is insufficient information provided to justify your claim."

Based on the above, the Board cannot find that Tardiff performed Scope covered work in violation of the Agreement. The only evidence offered by the Organization are the printouts which we find are insufficient to determine that Tardiff performed Scope covered work. The claim shall be denied for lack of supporting proof.

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 23rd day of August, 2000.