



Award No. 18131

Docket No. MS-18563

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

MR. H. M. RIELEY, et al
THE PULLMAN COMPANY

STATEMENT OF CLAIM: The Pullman Company is a non-operating carrier and we are unseparated operating employes, conductors, of same. We hereby seek protection under the Washington Job Protection Agreement of May 21, 1936, contending that the actions of the railroads involved and/or The Pullman Company in such cessation constituted a coordination as applied and defined in the Washington Agreement.

OPINION OF BOARD: The issue in this dispute, as expressed by the Petitioners, is whether the Washington Job Protection Agreement of May, 1936 is applicable to the takeover of Pullman Conductor and Pullman Porter operations by the railroads on January 1, 1969. It is Petitioner's position that such takeover constituted a coordination as defined in the Washington Job Protection Agreement.

The burden of proof rests upon the party who asserts the claim. In the instant dispute, the Petitioner has failed to meet this burden. There is, therefore, no convincing evidence that the transaction was a coordination within the meaning of the Washington Job Protection Agreement, and the claim should be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim dismissed in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1970.

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