

Award No. 18444
Docket No. MS-19006

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

J. Thomas Rimer, Jr., Referee

PARTIES TO DISPUTE:

MR. CHARLES W. BARNETT

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on (30 days from date of this notice) covering an unadjusted dispute between me and the Illinois Central Railroad involving the question.

Job abolished — Agent Peosta, Iowa — Severance Pay.

OPINION OF BOARD: Claimant formerly occupied a position, referred to in the current agreement as Agent-Operator, at Peosta, Iowa.

On June 11, 1969, incident to installation of a Centralized Traffic Control system, Carrier abolished the position and thereafter required a small amount of billing work, formerly performed by claimant, to be performed by agency forces at another station, Dubuque, Iowa.

Claimant contended that the changes constituted a consolidation of agencies entitling him to certain benefits under a special agreement relating to such consolidations. On this premise, he elected to resign and accept a severance allowance which was one of the options granted by the agreement.

Carrier, however, contend that the abolished position at Peosta was not in fact an agency position and that, therefore, there was no consolidation of agencies and no grounds for claimant's contention that he was entitled to any of the benefits of the agreement relating to consolidation of agencies.

Claimant disagrees with Carrier's contention. He did not, however, introduce into the record any evidence of probative value in support of his position. Assertions and intimations, without supporting proof, cannot be considered by the Board. To do so would amount to decisions based on conjecture and speculation. This Board does not have the discretionary power necessary to make such decisions.

It is well settled by a large number of our awards that the burden of proof, establishing grounds for a claim, rests with the petitioner. Petitioner here has not met that burden. His claim, therefore, must be denied for failure of proof.

In view of this decision other issues raised in the record need not be considered.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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 no Agreement violation is shown.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 12th day of March 1971.