

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20809
Docket Number MW-20675

Francis X. Quinn, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employes
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it assigned the work of tuck pointing the record building at 12th and Canal Streets, Chicago, Illinois to outside forces (System File 15-3/MW-84(c) 3-1-73).

(2) The Carrier further violated the Agreement when it did not give the General Chairman prior written notification of its plan to assign said tuck pointing work to outside forces.

(3) B&B Foreman R. J. Harris, Mason A. H. Hoppenstedt, Carpenters F. Jones, H. Cantu, Carpenter Helpers V. Rodriguez, B. T. Jenkins, D. Briggs and J. Miller each be allowed pay at their respective straight-time rates for an equal proportionate share of six hundred ninety-six (696) man-hours expended by outside forces in performing the aforementioned work.

OPINION OF BOARD: The record demonstrates that tuck-pointing is not customarily performed by Carrier employes and Petitioner has failed in its burden of proof by not contending that such work was ever done by claimants, let alone customarily performed by them. Therefore we must deny the claim.

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 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 29th day of August 1975.