

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22227  
Docket Number SG-22113

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad Company:

(a) Carrier violated the current Signalmen's Agreement as amended particular the Scope Rule 1, Rule 6 and Rule 7, when it required or permitted Asst. Signal Supervisor B. O. Graham and Signal Inspector D. P. Smith to make signal circuit changes by disconnecting and reconnecting wires, relays and other associated equipment at T C Interlocking Plant, Florence, S. C. on Sept. 9, 10 and 11, 1975.

(b) Carrier should now be required to compensate Signal Maintainer T. E. Maness Jr. and asst. Signal Maintainer B. J. Strickland for eight hours (8) at their time and one half rate of pay for each date of September 9, 10 and 11, 1975, a total of twenty four (24) hours to each claimant."

[General Chairman file: 62-T E Maness-75 B J. Strickland.  
Carrier file: 15-1(76-3) J3]

OPINION OF BOARD: The Claimants have asserted that a Signal Supervisor and a Signal Inspector performed work, on September 9, 10 and 11, 1975, which should have been performed by the Signal Maintainer and Assistant Maintainer.

In its Submission to this Board, and in its presentation on the property, the Employees have expressed various concepts of agreement integrity and contractual coverage. However, we have been unable to discover proof of specific violations of the agreement, even though the Employees have the burden of proof in this type of a dispute.

However, we have noted that the Carrier conceded - during the exchange of correspondence on the property - that for three quarters (3/4) of an hour on the afternoon of September 10, 1975 the Assistant Supervisor performed certain work in violation of the agreement. That concession is repeated at pages 4 and 10 of Carrier's Initial Answer of Intention to File Ex Parte Submission.

Certainly an admission of a violation of "short duration" does not operate to preclude Claimants from proving a violation of greater duration. But, in order to sustain the claim presented here, we require a stronger showing than is in this record.

The "proof" submitted by Claimants speaks in terms of broad generalities but is not precise enough to satisfy the burden of proof. We will sustain the claim to the extent of finding a 3/4 hour violation on September 10, 1975, and compensation claimed shall be limited accordingly.

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 the Agreement was violated.

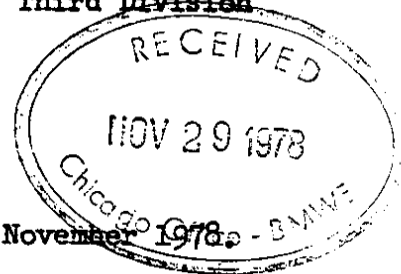
A W A R D

Claim sustained to the extent stated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary



Dated at Chicago, Illinois, this 15th day of November 1978