

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22487  
Docket Number CL-22430

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(  
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8513) that:

(1) Carrier violated the terms of the Agreement between the parties when it abolished the first-trick Block Operator position at SX Tower, Parkersburg, West Virginia, 7:00 AM to 3:00 PM, on Sundays only, and diverted the work of the position (on Sundays) to the 7:00 AM to 3:00 PM first-trick Block Operator position at OB Tower, Parkersburg, West Virginia, and

(2) In consequence of this violation, the Carrier shall be required to compensate Mr. A. M. Carpenter, incumbent of SX Tower, Parkersburg, West Virginia, first-trick Block Operator position, eight (8) hours pay at overtime rate for Sunday, February 1, 1976, and each subsequent Sunday, as the violation continues.

OPINION OF BOARD: This claim arose at Carrier's Parkersburg, West Virginia Terminal. There are two yards in existence at Parkersburg. Each yard has a separate telegraph office. Prior to August, 1975, both telegraph offices operated twenty-four hours a day, seven days a week. In August, 1975, the 7 a.m. to 3 p.m. Operator's position at SX Tower was discontinued. The Organization alleges that following that date work that should have been performed between 7 a.m. and 3 p.m. on Sundays was diverted to and performed at the OB Tower.

The Carrier has consistently resisted this claim on several grounds, but principally they have argued that the Organization never once furnished any specific details concerning the work that was allegedly improperly performed during the period of this claim. Carrier argued this point when the claim was initially filed, they argued this point on appeal and they have argued this point in their submission before the Board. We have carefully examined the entire record in this case and conclude that the Carrier's point is valid. We fail to find

in this record any details whatsoever of the work that was allegedly improperly performed during the period of this claim. All that we have is an allegation, articulately argued. But the allegation lacks a basic element, proof and identification of the work involved. We have no alternative but to dismiss 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 Employee involved in this dispute are respectively Carrier and Employee 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 Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 24th day of August 1979.