

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23207
Docket Number MS-23249

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (E. L. Woods
(
(Southern Pacific Transportation Company (Pacific Lines)

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 30 days from date of this notice. It will be covering an unadjusted dispute between myself and the Southern Pacific Transportation Company, involving the question:

Claim is for Position 39, at Medford, Oregon, for increase in rate from \$58.57 to \$59.97 (new rate \$64.49 to \$65.93) and all raises from date of this claim, each day worked until consummated. The claim involved is in violation of TOPS Agreement, dated September 16, 1971.

OPINION OF BOARD: The herein claim seeks to have this Board establish a new higher rate for Position No. 39 at Medford, Oregon. We have carefully reviewed the entire file and all of the arguments advanced by petitioner and respondent carrier and conclude that we are unable to grant the relief sought.

Carrier advances several arguments -- some persuasive -- seeking to have the claim dismissed. We need not rule on these, however, because we find that claimant had the burden of proving certain basic elements of the claim. This he failed to do. He quotes from various rules and offers general allegations. He does not, however, even attempt to explain how he perceives the rules to have been violated, nor does he offer any evidence to show how this was done.

Our Award 19276 is on point. We will 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;

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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. Paulose
Executive Secretary

Dated at Chicago, Illinois, this 16th day of March 1981.

