

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Tedford E. Schoonover, Referee

Award Number 24052
Docket Number SG-24341

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen
{ Norfolk and Western Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Norfolk & Western Railway Company:

On behalf of Assistant Signalman J. C. Norton, Signal Gang #2, for the difference (\$1.00 per hour) between the Assistant Signalman and Signal Maintainer rates of pay for January 18, 21, 22, 23, 24, 25, 28, 29, 30, 31, February 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, & 22, 1980, for a total of \$208.00, account temporary Signal Maintainer position at Claypool, Indiana, not bulletined and assigned in accordance with Rules 505(a) and 505(d) of the current Signalmen's Agreement."

OPINION OF BOARD: Here we have a claim on behalf of an Assistant Signalman for the difference in pay between his rate of pay and that of a Signal Maintainer alleging that if the Carrier had bulletined a vacant position at an earlier date than they actually did, Claimant could have been used to fill the vacancy pending assignment.

We have carefully reviewed the entire record in this case and have considered all of the arguments advanced by the parties. We are, however, unable to find in the record that Petitioner has supported their allegations with probative evidence of a Rule violation by Carrier. As was said in Award No. 20290 (Sickles): "*** in order to prevail the moving party must establish its claim by a preponderance of probative evidence".

Given the paucity of evidence addressed by Petitioner in this case, we have no alternative but to conclude that the record does not support the claim as presented. We must, therefore, deny the claim as presented.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 29th day of November 1982.

