

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24178
Docket Number CL-24249

Ida Klaus, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9482) that:

(a) That the Carrier violated and continues to violate the General Agreement when beginning on or about August 30, 1978, it did without notice, conference, or agreement, arbitrarily and unilaterally removed work from the C&O Pittsburgh District, Telephone Switchboard Operator Roster at Pittsburgh, Pennsylvania and transferred such work to the C&O Baltimore District Switchboard Operator Roster at Baltimore, Maryland and to certain B&O positions (contract and non-contract) at Pittsburgh, Pennsylvania, and

(b) That each and every employe whose position was abolished or who was affected, as a result of these abolishments and who suffered loss as a result of this arbitrary action of the Carrier shall be compensated for any and all loss or adverse effect retroactive to the date on which the violation occurred. Claim to continue until correction is made.

OPINION OF BOARD: The claim asserts a violation of the consolidation and reorganization rule of the Agreement by reason of an alleged unilateral transfer of work from the C&O Pittsburgh District Telephone Switchboard Operator Roster.

The Carrier denies the allegations. It replies that it did abolish the Pittsburgh switchboard positions and did change work shifts, but did not transfer any part of the work of the abolished positions. It took that action for reasons of economy, it says, and not pursuant to any consolidation or reorganization, and it gave proper contractual notice to the employes affected by its action.

From our review of the record and after considering the arguments made on the property and before this Board, we are unable to conclude that there was in fact a transfer of work. Thus, we cannot find in this record the proof necessary to support the factual allegation on which the claim is based. In our view, the Organization's factual case has been built on no more than unfounded assumption and surmise. The burden of substantiating the allegations of the claim rests with the petitioner. Accordingly 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 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
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 28th day of February 1983.

