

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25211
Docket Number MS-25317

Robert W. McAllister, Referee

(Patrick Robbins
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (AMTRAK)

STATEMENT OF CLAIM:

"Time Claim: 6 hours loss of pay for February 10, 1982. On this date I questioned performance of work due to hazardous conditions. At this point my time was cut immediately without discussion."

OPINION OF BOARD: The Claimant, Patrick Robbins, has submitted a claim for six hours pay for February 10, 1982. It is uncontested that the weather condition was icy and cold that night. Assigned to work on the wire train to pull in three spans of new wire, the Claimant asserts the tower platforms were icy. He descended from the tower car platform and told his gang foreman the icy conditions were too dangerous. He did not work thereafter.

The Carrier denied the claim for six hours. It now argues the Claimant's submission to the Board was not timely filed and must be dismissed. Putting aside the timeliness issue, this Board finds no evidence the conditions outlined hereinabove posed a threat of substantial harm to Claimant's health and safety. He was the only employee to stop working the night of February 10, 1982. We remind all concerned that the nature of the railroad industry necessitates operations in diverse and uncomfortable weather conditions. The Claimant has failed to meet the burden of proof required to uphold his 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:


Nancy J. Dever-Executive Secretary

Dated at Chicago, Illinois, this 11th day of January 1985.