

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 28145
Docket No. MW-27436
89-3-86-3-729

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company (Eastern Lines)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it directed and required Track Foreman L. Johnson to assume the duties, responsibilities and work load of two (2) positions during the vacation absence of Track Foreman R. P. Boney October 7 through 11, 1985 (System File MW-86-2/443-70-A).

(2) Foreman Johnson shall be allowed an additional forty (40) hours pay at his straight time rate because of the violation referred to in Part (1) hereof."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was employed by Carrier as the Foreman of Extra Gang 125, assigned at Schriever, Louisiana. Foreman R. P. Boney was also assigned to Extra Gang 112 headquartered at Schriever. From October 7 to October 11, 1985, Foreman Boney was on vacation. During that time, the gangs were combined. Claimant supervised the combined gangs. He requests an additional 40 hours of pay because he performed the work of two foremen during the period from October 7 to 11, 1985. His Claim was denied and forwarded to this Board for resolution.

This Board in the past has reviewed an identical case involving the same parties and the same men. See Third Division Award 27328. In that Award, we denied the Claim. The difference in that case and this dispute is that in this case, R. P. Boney was on vacation and Claimant worked. In Award 27328, Boney worked and Claimant was on vacation.

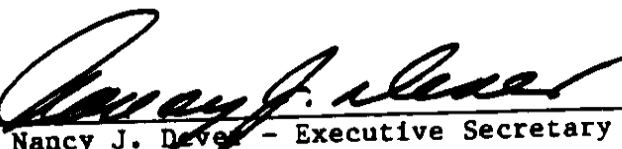
A review of the record of this case reveals that the same shortcomings in the Organization's position in Award 27328 are apparent here. While the Organization's Claim was being handled on the property, no evidence of a probative nature was submitted to support Claimant's case. Here, as well as there, no evidence was presented on the property with respect to the Organization's contention that more than 25 percent of the work of the vacationing employee was transferred to the Claimant. Having failed to present such evidence on the property, this Board cannot consider it. We therefore are compelled to deny this Claim.

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 16th day of October 1989.