

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(  
(Elgin, Joliet & Eastern Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
(GL-10332) that:

1. Carrier violated the effective agreement when on October 11, 12, 16, 17, 30, 31 and November 2, 1987, it required and/or permitted employees in Seniority District No. 3 to absorb the duties of positions exclusively assigned to a different location and seniority district.

2. Carrier shall now compensate the senior off-duty Input/Output Technician (IOT) eight (8) hours' pay at the time and one-half rate of an IOT position for each of the above dates."

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.

The Board notes that the Organization's Submission evidence was not presented on the property. Accordingly, pursuant to a long line of decisions by the Board, this new material and the arguments related to it will not be considered by the Board.

The Claim before the Board essentially asserts that the Carrier transferred work covered by the Agreement from one location of the Carrier to another location.

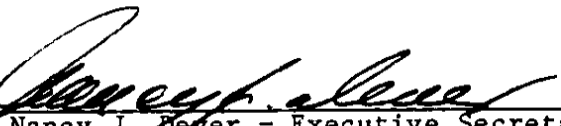
The Board has carefully reviewed the entire record and the evidence properly before us. As the moving party in this matter, which is essentially a scope rule case, the Organization has the burden of proving all the vital elements. At a minimum, it must present relevant facts which normally would include the identity of the persons involved, the work claimed, and when and where it was performed. Because we do not find these facts fundamental to meeting a burden of proof requirement, the Claim is dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 7th day of August 1990.