

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30094
Docket No. MW-30170
94-3-91-3-619

The Third Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
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(CSX Transportation, Inc. (former Chesapeake
(and Ohio Railway Company

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

1. The Carrier violated the Agreement when it assigned Supervisor D. Morrison instead of Laborer D. Carter to pick up equipment parts from an outside vendor on October 10, 1990 [System File C-M-7164/12(90-1116) COS].
2. As a consequence of the above-mentioned violation, Laborer D. Carter shall be allowed pay for two (2) hours and forty-five (45) minutes as his respective straight time rate."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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.

This dispute arose after a Supervisor at the Barboursville Shop used his personal truck to pick up parts from a vendor. The Organization filed a Claim alleging that this work has historically been performed by maintenance of way Truck Drivers and is reserved to members of the Organization.

During the handling of the dispute on the property, the Carrier furnished a statement by the Director Engineering Materials, that, while maintenance of way employees had picked up

materials and supplies from vendors in the past, other craft employees as well as supervisors have also picked up supplies and materials as needed. The Organization did not come forward with any credible evidence to rebut this material assertion, and we conclude that it has failed to establish exclusive rights to the work in question. Under well-established precedents of the Board, we must accordingly deny the Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 4th day of April 1994.