

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31895
Docket No. CL-31909
96-3-94-3-280**

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

**(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Illinois Central Railroad**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11045) that:

(1) Carrier violated the National Agreement dated April 15, 1986, Article IV, beginning January 10, 1993, when it removed train control from the coverage of the Agreement without allowing protection to the affected employee.

(2) Carrier shall now be required to compensate Clerk R. Maurizi, Homewood, Illinois, the difference between his regular earnings and that of his test period earnings, beginning January 10, 1993, and continuing each month thereafter, for a period of six (6) years."

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 employee 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 were given due notice of hearing thereon.

Article IV of April 16, 1986 National Agreement established the contractual means by which a carrier could implement procedures for direct control of train movements by Train Dispatcher personnel. This involved in many instances the elimination of work for other employees assigned as part of train movement control. The implementation of this change, involving electronic controls operable almost regardless of distance from the train movements, was gradually implemented by various carriers. Included in Article IV are protective benefits for employees adversely affected "as a result of the implementation of direct train control."

The Claimant was a Train Director assigned at Homewood, Illinois. On January 10, 1993 his position was abolished. On this basis, the Organization contends that the Claimant, assigned to a lower paying position, is entitled to protective benefits under Article IV. As emphasized frequently in Awards considering such entitlement, "The burden is on the claiming party to prove a causal connection between the transaction complained of [here, the abolishment of the Claimant's position] and the event which inspired the protective conditions [direct train movement control]."

The record as provided to the Board does not convincingly demonstrate that it was the centralization of train control operations which caused the Claimant's status change. Other than citation of Article IV, the on-property claim handling fails to do so, as well. While the Carrier does not bear the procedural burden of disproving a "causal connection," the Carrier nevertheless points out that, at the Markham Yard where the Claimant was stationed, operations reduced between 1986 and 1993 from six to two processing yards and the complete elimination of humping operations.

It appears that this was sufficient to warrant the Train Director position abolishment.

AWARD

Claim denied.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 4th day of March 1997.