

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 32598
Docket No. SG-33263
98-3-96-3-700

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(CSX Transportation, Inc. (former Seaboard Coast
(Line Railroad Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (former Seaboard Coast Line):

Claim on behalf of J.H. Smith and the other employees identified in the Organization’s claim dated July 20, 1995, for payment of one hour each per day at the straight time rate, beginning May 1, 1995 and continuing for the term of the violation, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule and Agreement S-069-87, when it used other than covered employees to fabricate switch bases for switch machines being reclaimed in the Signal Shop and deprived the Claimants of the opportunity to perform this work. Carrier’s File No. 15(95-240). BRS File Case No. 9934-SCL.”

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.

The instant claim was filed on behalf of 33 employees at Carrier's Savannah, Georgia, Signal Shop, alleging that Carrier subcontracted the fabrication of switch bases for switch machines which were being refurbished in the shop. Carrier contends, however, that it merely purchased pre-assembled switch bases.

It is well-established that Carrier does not violate the Agreement by purchasing pre-assembled components. See, e.g., Third Division Awards 32290, 32135, 28879. Consequently, the Organization had the burden of proving that Carrier did not simply purchase ready-made switch bases. The record contains no evidence that Carrier did anything other than purchase pre-assembled units. Accordingly, the claim must be denied.

AWARD

Claim denied.

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 22nd day of May 1998.