

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33501
Docket No. CL-34840
99-3-98-3-552**

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

**(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12118) that:

(a) This Claim is filed on behalf of Mr. Richard Knox, TSR, North Billerica, Massachusetts. The Claim is for Eight (8) hours, at the rate of Time and One Half plus deadheading for August 1, 1997. One Hundred Thirty-Two Dollars and Eighty-Eight Cents (\$132.88) plus Forty-Nine Dollars and Fourteen Cents (\$49.14) car expense.

(b) The Carrier violated the Agreement when it blanked the 0700 Clerk assignment at East Deerfield Yard and allowed a Non-Scope employee, Mr. E.D. Croteau, to perform this work.

(c) The Carrier violated Rules 1.1, 1.2, 1.3, 1.4, 1.5, 18A. 2. 11.4, and all other rules of this Agreement.

(d) This Claim is valid and must be paid.”

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.

On August 1, 1997 the incumbent of the position of 0700 Clerk at East Deerfield Yard was off duty. The Carrier elected to blank the job.

The Organization filed this claiming alleging a non-covered employee performed the duties of the job.

The Carrier argues none of the work of the job was performed by a non-covered employee. The Organization has failed to show what, if any, work was performed by a non-covered employee.

The Organization has the burden to prove the Agreement was violated. It has failed its burden in this case.

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 September 1999.