

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34146
Docket No. SG-35448
00-3-99-3-342**

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company (former Southern Pacific
(Transportation Company)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Co. (former Southern Pacific):

Claim on behalf of D.L. Reed and J.M. Key for payment of eight hours each at the straight time rate for each day of the regular work week, Monday through Friday, and eight hours each at the time and one-half rate for each weekend day, Saturday and Sunday, starting on January 1, 1998, and continuing until this dispute is resolved, account Carrier violated the current Signalmen’s Agreement, the Letter of Understanding dated March 3, 1997, when it allowed non-covered employees to perform work in the Transportation Service Center (TSC) in Denver, Colorado, and deprived the Claimants of the opportunity to perform this work. Carrier’s File No. 1132556. General Chairman’s File No. SWGC-1720. BRS File Case No. 11022-SP.”

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 Board carefully examined the on-property record of handling and studied the contents of the March 3, 1997 Letter of Understanding that is the apparent crux of this case. However, the Board is unable to find any probative evidence in the case record to substantiate the contentions advanced by the Organization. Inasmuch as the burden of proof of a violation rests with the moving party and inasmuch as no such proof is found in this case, the claim as presented is 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 19th day of June, 2000.