

On February 2, 1998 the Organization filed this claim with the Carrier arguing the Scope Rule was violated during the period of December 8 through 12, 1997 when employees not covered by the Agreement installed computer hardware and software at Livonia, Michigan.

The Carrier denied the claim not only because it was vague, but also because the Organization failed to prove that the work performed belongs exclusively to the Claimants.

A review of the record developed on the property reveals that the Organization failed to prove that the work performed belongs exclusively to BRS-represented employees. In fact, the record is devoid of any evidence as to what work was performed and who did it.

The Organization bears the burden to prove the Agreement was violated. It failed to do so 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 25th day of October, 2000.

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35038
Docket No. SG-35387
00-3-99-3-266**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Chesapeake and Ohio
(Railroad Company - Pere Marquette)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (C&O-PM):

Claim on behalf of A.B. Lieto, J.L. Klun, S.D. Perry and L.T. Miller, for payment of 15 hours each at their respective time and one-half rates, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it used outside forces to install computer hardware and software at Livonia, Michigan, from December 8 through December 12, 1997, and deprived the Claimants of the opportunity to perform that work. Carrier’s File No. 15(98-184). General Chairman’s File No. 98-06-PM. BRS File Case No. 10809-C&O-PM.”

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.