

PUBLIC LAW BOARD NO. 2452

PARTIES Brotherhood of Maintenance of Way Employees
TO
DISPUTE: and
Western Maryland Railway Co.

STATEMENT Claim on behalf of R. L. Brode, for eight hours'
OF CLAIM: straight time and six hours' overtime account of
B&O Trackmen removing snow on Western Maryland
Railway on Friday, January 27, 1978.

FINDINGS: By reason of the Agreement dated June 14, 1979, and
upon the whole record and all the evidence, the Board
finds that the parties herein are employee and carrier within the
meaning of the Railway Labor Act, as amended; and that it has
jurisdiction.

Here, too, Employees charged that B&O Trackmen cleaned
tracks and removed snow on January 27, 1978. Carrier denied that
B&O Trackmen were sent to clean switches. And on June 21, 1978
Carrier again denied the claim and stated that "no B&O Trackman
from Force 1121, Keyser, West Virginia, was assigned the work of
removing snow at any Western Maryland location on January 27, 1978."

Like in Award No. 8, Employees have submitted no
substantive and convincing evidence that B&O Carmen or any other
employees of a foreign carrier removed snow and cleaned switches on
January 27, 1978. The statement in Employees' presentation is a
mere assertion and not evidence.

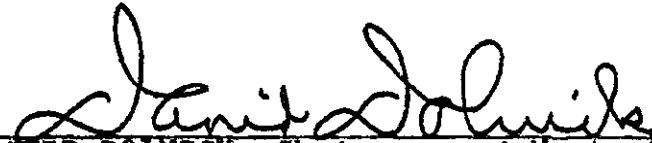
The conference issue is disposed of on the same basis as in Award No. 2.

Upon this record and for all the reasons stated in Award No. 2, the Board finds that the Carrier did not violate the Agreement and that there is no merit to the claim.

AWARD

Claim denied.

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DAVID DOLNICK, Chairman and Neutral Member


W. C. COMISKEY, Carrier Member


WILLIAM E. LA RUE, Employee Member

DATED: April 16, 1980