

PUBLIC LAW BOARD NO. 1838

Award No. 54

Docket MW-WI-78-18

MW-WI-78-19

MW-WI-78-20

MW-WI-78-21

MW-WI-78-22

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company

Statement of Claim MW-WI-78-18 - Claim on behalf of:
M. W. McGuire, Second Grade Carpenter
R. D. Cochran, Second Grade Carpenter
P. A. Rasnake, Carpenter Helper
J. O. Kitts, Cook
J. W. Cecil, Carpenter
A. A. Lowe, Second Grade Carpenter
E. G. Ritchie, First Grade Carpenter
J. W. Perry, Carpenter
W. B. Belcher, Carpenter

MW-WI-78-19 - Claim on behalf of:

J. A. Wilson, Painter
C. F. Clay, Painter
C. Blakeley, Painter

MW-WI-78-20 - Claim on behalf of:

W. A. Mitchell, Mason Cook
J. H. Stevenson, Mason Helper
R. A. Ball, Second Class Carpenter
C. E. Hoops, Second Class Carpenter
T. Daniels, Mason Helper
G. Jessee, Jr., Mason
S. G. Evans, Mason Foreman
G. F. Fife, Mason Helper
J. B. Robinette, First Class Carpenter

MW-WI-78-21 - Claim on behalf of:

K. Goins, Third Rate Carpenter
D. K. Matney, Mason

MW-WI-78-22 - Claim on behalf of:

C. H. Kitts, Carpenter
M. G. Thompson, Carpenter

Findings The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 1, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

The instant five disputes involve some twenty-five Claimants who were employed on Carrier's Pocohontas Division. They were members of Carpenter, Mason or Paint Gangs performing essentially maintenance work within their various work classifications. Said Claimants were furloughed as a result of a protracted strike in the coal industry occurring between December 1977 and March 1978 which had caused a strong decline in Carrier's business and a loss of approximately 104 million dollars in revenue to Carrier.

Carrier's yard and terminal facility located at Williamson, West Virginia, was completely inundated by a major flood of the Tug River in April of said 1977. Said flood caused extreme damage to the buildings and trackage in the area. As a result thereof it became necessary to replace the heating systems in most of the buildings in Williamson Yard. Hence, since company forces did not possess the skills or expertise to accomplish a project of this magnitude, the Mechanical Construction Company of Chillicothe, Ohio, was engaged to install

the new heating system.

The Organization, other than asserting that "holes were drilled through the roof on the river side of the roundhouse for brackets to carry pipe for the new heating system being installed", offered no indication of what precise work that they were claiming which belonged exclusively to Claimants. Further, the Organization failed to stipulate what contractual provisions they were proceeding under in furtherance of their claim for three months pay for said twenty-five Claimants.

The Board in such circumstance finds that the claims as made are too vague, indefinite and so lacking in specificity that they fail to state a cause of action upon which a decision could be reached. Hence, they are dismissed accordingly. See, among others, Third Division Awards 13741 (Dorsey), 19960 (Lieberman) 17740 (McCandless) 19833 (Sickles) and 20131 (Dorsey). The essence of such Awards is that the burden of establishing all of the essential elements of a claim must be met by the petitioner, that the claims must be specific and that the Carrier is under no obligation to develop the claim for the petitioner that when, as here, no data is furnished as to how Claimants were affected, nor as to what duties were performed improperly or when they were performed. The Board, in the absence of some specifics, is unable to adjudicate the merits.

We find such enunciated position to be sound. In the
circumstances these claims will likewise be dismissed.

Award Claims dismissed.



A. D. Arnett, Employee Member



E. N. Jacobs, Jr. Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Falmouth, Massachusetts July 22, 1981.