

PUBLIC LAW BOARD NO. 5564

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| Brotherhood of Maintenance of Way |) | |
| Employees |) | AWARD NO. 34 |
| |) | CASE NO. 34 |
| and |) | |
| |) | |
| Northeast Illinois Regional Commuter |) | |
| Railroad Corporation |) | |

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that the Carrier violated Rule 1 Scope and Rule 3 Classification of Work – Bridge and Building (B&B) – Water Service Department of the Agreement on January 21 and 23, 2010 when it assigned a Mechanical Department employee instead of B&B Department Employee R. Shanahan, Jr. to paint interior offices at the Metra Rock Island District 49th St facility in Chicago, Illinois.”


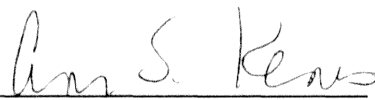

OPINION OF BOARD:

Public Law Board No. 5564, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of the hearing and did participate therein.

On March 16, 2010, the Organization filed the instant claim contending that on January 21 and 23, 2010, the Carrier wrongfully assigned a Mechanical Department laborer to paint offices recently constructed by B&B forces on the Metra Rock Island District in Chicago, Illinois. After carefully reviewing the record in this matter, we conclude that the Organization failed to meet its burden of proving a violation of the Agreement under these particular circumstances. We therefore rule, for lack of evidence substantiating the validity of this complaint, to deny the claim in its entirety.

AWARD

Claim denied.

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|  _____ Tim Martin Hort Carrier Member |  _____ ANN S. KENIS, Neutral Member |  _____ Kevin Evanski Organization Member |
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Dated this 30 day of August, 2013.