

PUBLIC LAW BOARD NO. 6076

PARTIES TO DISPUTE:

UNITED TRANSPORTATION UNION)	)	
(YARDMASTERS DEPARTMENT)	)	
	)	NMB CASE NO. 17
VS	)	AWARD NO. 17
	)	
CSX TRANSPORTATION, INC.	)	

STATEMENT OF CLAIM:

This claim is for Yardmaster G. W. Hazelwood, ID No. 181976 at Atkinson, Kentucky. This claim is for eight (8) hours pay at Yardmaster rate on May 7, 2001 account Clerk Patricia did Yardmaster work by instructing Trains E219-03, S596-08, and T109-04 at Atkinson, Kentucky.

FINDINGS AND OPINION

The Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as amended. This Board has jurisdiction of the dispute here involved. The parties to this dispute were duly notified of hearing thereon.

This dispute involves an allegation by the Organization that the Yard Clerk working the first trick instructed certain trains to set out and yard the trains at Atkinson, Kentucky, on May 7, 2001, when no Yardmaster was on duty. It is alleged that the clerk performed Yardmaster work. Carrier has taken the position that the Yard Clerk did not so instruct the trains.

In a situation of this kind it is the duty of the Organization to provide proof to support the allegation that the Yard Clerk performed Yardmaster duties on the date in question. There is no such proof in the record submitted to this Board. In the absence of proof that the Yard Clerk did perform the work involved, the Board has no alternative other than to dismiss this claim.

AWARD

Claim dismissed.

S.R. Friedman  
S. R. Friedman, Carrier Member

J. R. Cumby  
J. R. Cumby, Employee Member (DESSENT)

F. T. Lynch  
F. T. Lynch, Neutral Chairman

Award date Jan. 15, 2004