

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION**

Award No. 24919

Docket No. 44482

98-1 95-1-G-1686

The First Division consisted of the regular members and in addition Referee Robert E. Peterson when award was rendered.

PARTIES TO DISPUTE: (United Transportation Union
(Grand Trunk Western Railroad Incorporated

STATEMENT OF CLAIM:

"DTSL Sub-division claim of Conductor Kirkendall. Brakemen Kirk and Barbara #1 for eight (8) hours account required by trainmaster Edison Yard to do clerical work at Edison Yard. Checked tracks at Edison Yard and Monsanto Chemical Co., weighed cars on Monsanto scale, recorded weights and Faxed same to TDC. Docket 453 Claim 161."

FINDINGS:

The First 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.

In progressing the claim on the property the Organization presented nothing in support of the otherwise vague and unsubstantiated allegations that appear on the timeslip that initiated the claim, and which reads as follows:

"Allow 100 miles a/c required to do clerical work at Edison Yard.
Checked tracks at Edison & Monsanto. Weigh cars on Monsanto scale.
Record weights and Fax to TDC."

It is only in its ex parte Submission to the Board that the Organization sets forth its rationale and contentions in support of the claim. Clearly, such argument comes too late and violates the established and long recognized principle that the moving party in a claim or grievance has to meet a necessary burden of proof to establish the material aspects of a claim while it is being handled on the property and cannot wait until presentation of the case to the Board to make its position known.

Under the circumstances found to exist in the presentation and progression of the claim, the Board has no alternative but to issue a denial award.

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 First Division

Dated at Chicago, Illinois, this 30th day of June 1998.