

Award No. 2387

Docket No. 2214

2-N&W-FO-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO 16, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Firemen and Oilers)**

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement Laborer M. B. Phillips was improperly denied the right to exercise his seniority rights when his job was abolished April 30, 1954.

2. That accordingly the Carrier be ordered to:

a) Permit Laborer Phillips to displace Engine Coalers, Parsely, first shift, Thursday through Monday.

b) Additionally compensate Laborer Phillips difference between the Laborers' rate and Engine Coalers' rate from April 30, 1954 to date he is permitted to properly exercise his seniority.

c) Additionally compensate Laborer Phillips at time and one-half rate for each Tuesday and Wednesday instead of straight time rate due to the fact Tuesday and Wednesday are rest days of the job he was denied the right to fill from April 30, 1954 to date he is permitted to displace the junior employe.

d) Additionally compensate Laborer Phillips in the amount of eight hours pay at straight time rate for each Saturday and Sunday he was required to remain home on rest days of laborers job as such days were regular working days of job denied from April 30, 1954 to date he is permitted to displace junior employe.

STATEMENT: The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to organization in ex parte form, and the Division is now in receipt of a request from the employes that the case be withdrawn.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION**

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 8th day of January, 1957.