



Award No. 4967
Docket No. 4754
2-CNO&TP-CM-'66

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 21, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC
RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Carrier violated the controlling Agreement by furloughing Carman W. J. Kelly at Somerset, Kentucky, and transferring or sending Carmen from Danville, Kentucky to Somerset, Kentucky, to perform the work in the Somerset Shop which was performed by Carman Kelly before being furloughed.

2. That the Carrier be ordered to discontinue these violations and pay Carman W. J. Kelly for five (5) days pay for June 12-14, 1963, five (5) days pay for June 25 and 27, 1963, five (5) days pay for July 2-4, 1963, five (5) days pay for July 9, 1963, and five (5) days pay for each additional violation until violations cease.

FINDINGS: The Second 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.

Except as to dates involved, the parties, Agreement and facts of this claim are identical with those concerned in Award No. 4966, and necessitate the same conclusion.

AWARD

Claim denied.

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

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 14th day of October, 1966.