

Award No. 5145  
Docket No. 5257  
2-C&O-CM-'67

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**SECOND DIVISION**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'**  
**DEPARTMENT, AFL-CIO (Carmen)**

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY**  
**(Southern Region)**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. Carmen Paul Rece, L. W. Vallance, O. J. Fannis, Bill Allen, George McWhorter and William Stevens members of the Russell Tool Car Crew, service rights and rules of the controlling agreement were violated on or about April 24, 1965, when the Chesapeake and Ohio Railway employed the Oberle-Gorde Contractor Company of Richmond, Indiana to perform carmen's work of retracking diesel locomotive.

2. Accordingly, the Chesapeake and Ohio Railway Company be ordered to additionally compensate the above named carmen twelve thousand and five hundred (12,500) dollars or the amount paid the contractor; said amount to be equally distributed among the above named carmen.

**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form, hearing thereon was waived, and the Division is now in receipt of a request from the Employees that the case be withdrawn.

**AWARD**

Claim dismissed.

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

**ATTEST:** Charles C. McCarthy  
Executive Secretary

Dated at Chicago, Illinois, this 13th day of April, 1967.

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