

Award No. 6319

Docket No. 6065

2-C&O-MA-'72

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Jesse Simons when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. - C. I. O. (Machinists)**

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement Machinist G. R. McClellan was unjustly removed from the machinists seniority roster under date of November 14, 1969.

2. That accordingly the Carrier be ordered to place the name of Machinist G. R. McClellan back on the seniority roster in accordance with his proper standing as of November 14, 1969.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

In Award 6185, claim and award in the above docketed dispute was held in abeyance pending receipt of certain information believed by the Board to be essential for a fair and full adjudication of said claim, and in Award #6185 the dispute was remanded back to local representatives of the parties who were directed to meet with Claimant's physician to obtain those essential facts defined in detail in the aforementioned Award.

The Board received in May information that Claimant's physician died in a plane crash in November of 1970.

The Board further received and has reviewed and studied carefully a letter dated December 6, 1971 from Carrier. The Board has also received a

file of correspondence consisting of some 14 attachments from the organization representing Claimant, which has also been carefully studied and reviewed.

As the preceding documents disclose no probative grounds for sustaining the claim, the claim will be denied.

AWARD

Claim denied.

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

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 14th day of June 1972.