

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

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers
(
(Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Norfolk and Western Railway Company violated the controlling Agreements when it furloughed Machinist A. E. Anderson effective at the close of business on Friday, February 28, 1975 without merger protection.
2. That accordingly the Norfolk and Western Railway Company be ordered to compensate Machinist A. E. Anderson an amount equal to the difference between actual earnings, if any, and the amount he would have received if fully employed at his current, protected rate of pay of machinist as well as be made whole for all other losses resulting from the improper furlough.

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 waived right of appearance at hearing thereon.

On September 16, 1977 this Board rendered Award 7353 (Docket No. 7250) which award was, with one exception, based on facts and allegations virtually identical to those which support the instant claim. In the instant matter the claimant, in addition to the allegations set out in Docket No. 7250, alleges that the claim was not responded to by the Carrier within 60 days as required by Article V of the August 21, 1954 agreement. We find that the record fails to support the claimant's allegation of a time limit breach by the Carrier.

For the reasons set out in Award 7353 we will dismiss the claim.

Form 1
Page 2

Award No. 7615
Docket No. 7251
2-N&W-MA-'78


A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 21st day of July, 1978.