

**Award No. 2434
Docket No. 2564
2-DS-TWUOA-'57**

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**TRANSPORT WORKERS UNION OF AMERICA
(Railroad Division) A. F. of L.-C. I. O.**

DONORA SOUTHERN RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That it is in violation of the present agreement, Article 10(a), paragraph 3 and Article 32, Rule 10, paragraph (a), to force a junior employe to take a vacation vacancy without asking the senior employees if they desire the vacation vacancy.

That in claim No. 27-56, Mr. James Mendicino was not asked on May 18, 1956, to fill the said vacation vacancy but a junior man was forced on the job.

That in claim No. 28-56, Mr. Evo Renacci was not asked on May 18, 1956 to fill said vacancy but the junior man was again forced on the job.

That both Mr. Mendicino and Mr. Renacci are senior employees to the employees that were forced on the vacation vacancy and neither one had been asked if they desired to fill the vacation vacancy.

That both of these employees be compensated as asked for in claim.

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in ex parte form, hearing thereon was waived, and the Division is now in receipt of a joint request that the case be withdrawn.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 27th day of May, 1957.