

Petitioner alleges a violation of Rule 18(b) of the controlling Agreement which reads:

"Five Working days' notice will be given employees affected before reduction is made and list will be furnished the local Committee."
(See Appendix)

Carrier assumes the position that an emergency strike situation prevailed, that 18(b) refers to normal situations and that Article II (B) of the Memorandum of Understanding dated December 4, 1969 amends 18(b) and is controlling in this case. It provides that:

"(b) Rules, agreements or practices, however established, that require advance notice before positions are temporarily abolished or forces are temporarily reduced are hereby modified so as not to require advance notice where a suspension of a Carrier's operations in whole or in part is due to a labor dispute between said Carrier and any of its employees."

We agree with the arguments propounded by Carrier. Rule 18(b) specifically refers to the appendix itself, which contains Article II (b) quoted above. The plain meaning of the language contained therein is meant to include a strike situation and we therefore hold that it is controlling in this case. We can find no violation of the Contract.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Killean
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1973.