

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 117, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(The Western Pacific Railroad Company

Dispute: Claim of Employees:

That Carman V. G. Midgley be compensated by the Western Pacific Railroad Company for all time lost since his dismissal by letter dated February 21, 1975.

That accordingly Mr. V. G. Midgley be reinstated and made whole with seniority rights and all other benefits and rights unimpaired.

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.

Except as to the identity of the Claimant, this dispute is the same as that in Award No. 7300, and the Board's findings are the same.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 31st day of May, 1977.

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