

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

<u>Parties to Dispute:</u>	{	System Federation No. 121, Railway Employees'
		Department, A. F. of L. - C. I. O.
		(Carmen)
		Texas and Pacific Railway Company

Dispute: Claim of Employees:

1. That the Texas and Pacific Railroad Company violated the controlling agreement, particularly Rule 24, when they withheld Carman H. R. Nuttall from service effective June 6, 1977, and following investigation dismissed him from service effective June 20, 1977.
2. That accordingly, the Texas and Pacific Railroad Company be ordered to return Carman Nuttall to service with all seniority rights unimpaired, pay him for all time lost five (5) days per week, eight hours (8') per day beginning June 6, 1977, and continuing until returned to service, and that he be afforded all benefits that normally flow to an employee in active service, including vacation rights, health and welfare and insurance benefits and be made whole for Railroad Retirement benefits and unemployment insurance.

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form, hearing thereon was waived, and the Division is now in receipt of a request from the employes that the case be withdrawn.

## 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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of February, 1980.