

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
THE WHEELING AND LAKE ERIE RAILWAY COMPANY

DISPUTE.—(a) Claim of employes that Carrier violated Rule 5, Section (a-11), by laying off entire gangs for short periods without first laying off the junior men in such gangs.

“(b) Claim for compensation for wage loss suffered by senior employes in such gangs subsequent to July 30, 1935, when the claim for such wage loss was first officially filed with Management.”

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The Carrier and the employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

The parties to said dispute were given due notice of hearing thereon.

At the hearing before the Third Division it developed that this dispute had not been handled with the Chief Operating Officer of the Carrier designated to handle such disputes.

By reason of the failure to handle this dispute with the Chief Operating Officer of the Carrier designated to handle such disputes the petitioner herein failed to comply with the rules of the National Railroad Adjustment Board and with the Railway Labor Act.

AWARD

The case is accordingly removed from the docket of the Third Division, without consideration of the merits.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON,
Secretary.

Dated at Chicago, Illinois, this 24th day of October 1935.