

Award No. 6248
Docket No. MS-6674

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

ROY E. SHAFFER (CUT WATCHMAN)

THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Your petitioner represents that he was employed as a cut watchman by the Baltimore and Ohio Railroad Company, on the 23rd day of November, 1942; that he was furloughed by reason of the elimination of his job, on the 19th day of September, 1950; that Mr. R. Pell was employed as a crossing watchman, at Newburg, by the Baltimore and Ohio Railroad Company, in 1945.

Your petitioner, having seniority, made proper application to his Division and to the Local Brotherhood, under Rules and Regulations of the Agreement between the Baltimore and Ohio Railroad Company and the Employees, represented by the Brotherhood of Maintenance of Way Employees, established in the Rules and Working Conditions effective April 17, 1930, for his right of seniority and his right to displace Mr. R. Pell, the crossing watchman at Newburg.

OPINION OF BOARD: The evidence of record reveals that the parties to the controlling Agreement are in accord that the claim is not supported by the rules.

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

That the parties waived oral hearing thereon;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That Carrier's action was not in violation of the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 30th day of June, 1953.