

Award No. 6822
Docket No. MS-6786

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**R. C. OWENS, CRANE OPERATOR, REPRESENTED BY
MR. KENNETH W. RICE, ATTORNEY-AT-LAW,
MEADVILLE, PENNSYLVANIA**

ERIE RAILROAD COMPANY

STATEMENT OF CLAIM: The question involved is whether the said R. C. Owens, violated Rule 4A of Agreement effective September 1, 1942 between the Erie Railroad Company and the Brotherhood of Maintenance of Way Employes (of which the said R. C. Owens is an employe) and which agreement was in effect on and after October 10, 1949.

OPINION OF BOARD: The issue presented in this docket must necessarily be determined on the basis of the controlling agreement and in accordance with the interpretation put upon that agreement by the parties thereto; those parties being in accord that the claim is without merit it must be denied.

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 Employes involved in this dispute are respectively Carrier and Employes 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 Agreement was not violated by the Carrier.

AWARD

Claim denied in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois this 29th day of November, 1954.