

**Award No. 8046**  
**Docket No. MSX-8885**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**HARRY L. HOFFMAN**

**RAILWAY EXPRESS AGENCY, INC.**

**STATEMENT OF CLAIM:** Claim on behalf of Harry L. Hoffman deceased; which claim is for overtime and lay overtime pay that was never paid to the said Mr. Hoffman by the Railroad Express Motor Transport Co., Inc. while he was in their employ as a chauffeur on the South Bend-Demotte run from August 1938 through April 1946 and which claim comes to approximately \$28,000 as of August 31, 1955.

**OPINION OF BOARD:** The record in this case shows that the claim herein is for overtime and layover time allegedly due Harry L. Hoffman, deceased, for services rendered as chauffeur from August 1938 through April 1946; that the claim was received by Carrier's Superintendent on August 26, 1955, and that it was denied on October 4, 1955.

After careful review of the record we must conclude that the claim is without merit and should be denied.

While other issues are mentioned in the record, it is unnecessary to discuss them in view of the decision reached herein.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and 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 the agreement was not violated.

**AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of THIRD DIVISION**

**ATTEST:** A. Ivan Tummon  
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of August, 1957.