

Award No. 8846

Docket No. MS-9540

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

NATAN W. MYERS

THE VIRGINIAN RAILWAY COMPANY

and

**THE CHESAPEAKE AND OHIO SYSTEM FEDERATION OF THE
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**

STATEMENT OF CLAIM: This claim alleges that Claimant was improperly displaced from Section 30, New River Division, on or about July 12, 1954.

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 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 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: A. Ivan Tummon
Executive Secretary**

Dated at Chicago, Illinois, this 11th day of June, 1959.