

Award No. 16705
Docket No. MS-17750

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY
MR. FRANK GABRIELLO

STATEMENT OF CLAIM: Carrier claims that Mr. Frank Gabriello, formerly a maintenance of way employe, voluntarily resigned from its service on February 21, 1968, and as a result thereof severed his employment relationship and relinquished all rights under the agreement, including the right to an investigation.

Carrier further holds that claimant failed to initiate a claim to the proper officer within sixty days as prescribed by Article V of the Agreement of August 21, 1954.

OPINION OF BOARD: In this docket, the respondent Mr. Frank Gabriello has failed to file either an initial submission or a response to the Carrier's Submission; and a failure to do so leaves the position and assertions of the Carrier, which adequately support the claim, unchallenged and uncontroverted. The claim, therefore, must be sustained.

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;

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 the Agreement was not violated by the Carrier.

AWARD

Claim of Carrier sustained.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1968.

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