

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Joseph A. Sickles, Referee

Award Number 24378  
Docket Number MS-24315

PARTIES TO DISPUTE: { Clarence R. Hayes  
{ Western Weighing and Inspection Bureau

STATEMENT OF CLAIM: "This is to serve notice as required by the Rules of the National Railroad Adjustment Board, Third Division, of my intention to file an Exparte Submission thirty (30) days from date of this notice covering unadjusted disputes between me and the Western Weighing and Inspection Bureau involving the following claims:

(1) - Abolishment of Position #42, held by C. R. Hayes, Agent Galveston, Texas, effective August 1, 1978.

(2) - Removal of work files, previously worked by C. R. Hayes, Agent, Galveston, Texas, to Houston, Texas.

(3) - Claim for Memorial Holiday pay, date of May 29, 1978."

OPINION OF BOARD: The Claimant requested holiday pay for May 29, 1978.

Quite aside and apart from the various procedural and jurisdictional objections raised by the Employer, we are of the view that nothing has been presented to us to demonstrate that the Employer did not have a right to abolish assignments. Here we find a legitimate decline in business, and the Carrier acted appropriately insofar as any rules are concerned. Accordingly we will deny the claim.

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 Employee involved in this dispute are respectively Carrier and Employee 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

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That the Agreement was not violated.

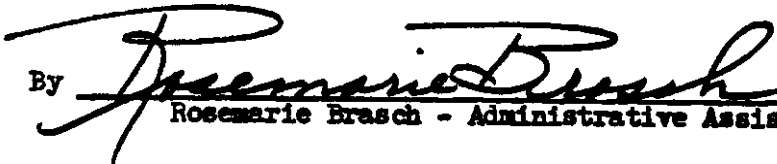
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May 1983.



**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**INTERPRETATION NO. 1 TO AWARD NO. 24378**

**DOCKET NO. MS-24315**

**NAME OF INDIVIDUAL:** Clarence H. Hayes

**NAME OF CARRIER:** Western Weighing and Inspection Bureau

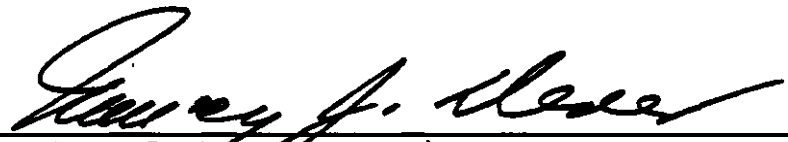
Upon application of the **employee** involved in the **above** Award that **this** Division interpret the same in the light **of the** dispute between **the** parties as to its **meaning and** application, as provided for **in** section 3, **First (m)** of **the** Railway Labor Act, as approved **June** 21, 1934, the following interpretation **is** made:

The requested **interpretation** seeks to reargue the merits of the dispute and to urge, **again**, various procedural questions.

The Divlsiou has no authority under the **guise** of an interpretation to **amend, modify or expand** the **scope of an** Award **and can only explain and** interpret it **in** light of **the** circumstances that existed when the Award was rendered. **There is** no proper request for **interpretatlon before** us and we will reaffirm our origlnel Award.

Referee Joseph A. Sickles, **who** sat **with the Division**, as a neutral **member**, **when** Award No. 24378 was **adopted**, also participated with the Division **in making** thls interpretation.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

ATTEST:   
Nancy J. Dever, Executive Secretary

Dated at Chicago, Illinois, thls 4th day of November, 1983