

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25510
Docket Number MS-24762

Josef P. Sirefman, Referee

PARTIES TO DISPUTE: (Richard A. Livingston
(Delaware and Hudson Railway Company

STATEMENT OF CLAIM:

***Restoration** of my seniority and one day's pay for each and every day I am being held from my former position, Crew Dispatcher with the Delaware and **Hudson** Railroad for the past twelve years:

OPINION OF BOARD: A complete review of record before this Board establishes that Claimant Richard A. Livingston resigned from the Carrier's Service on October 12, 1980. In view of this resignation there **is no** basis for the claim.

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 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.

A W A R D

Claim denied.

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

Attest: 
Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 13th day of June 1985.