

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Missouri-Kansas-Texas Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Agreement was violated when the Carrier failed and refused to allow Mr. R. A. Moore a laborer seniority date of August 17, 1978 (System File 200-101).

(2) The claim* as presented by Mr. R. A. Moore on August 25, 1986 to Division Engineer I. Ringle shall be allowed as presented because Division Engineer Ringle failed to disallow said claim as contractually stipulated in Article 28, Rule 1(a).

(3) As a consequence of Parts (1) and/or (2) above, Mr. R. A. Moore shall be allowed a laborer seniority date of August 17, 1978.

*The letter of claim will be reproduced within our initial submission."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This dispute concerns the determination of the appropriate seniority date on the seniority roster for the Claimant. It is related to the matter considered in Third Division Award 28401 in which the seniority date for the Claimant herein is also reviewed.

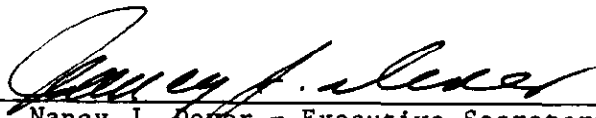
As in Award 28401, the Board is faced with irreconcilable differences as to the facts involved, and no resolution is appropriate for the Claim now before the Board.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1990.