

CORRECTED

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 31326
Docket No. MW-30375
96-3-92-3-109

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

PARTIES TO DISPUTE: (Soo Line Railroad Company (former
(Chicago, Milwaukee, St. Paul and
(Pacific Railroad Company)
(
(Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

"This is to advise that the Soo Line Railroad Company intends to file with the Third Division of the National Railroad Adjustment Board within thirty (30) days of date hereof, an Ex Parte Submission in the dispute between this Carrier and the Brotherhood of Maintenance of Way Employees involving a claim filed on behalf of employee Boyd Steward for reinstatement of seniority as a foreman and assistant foreman retroactive to September 10, 1990. This claim is the Organization's system file: C-01-91-D090-01."

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 employee 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 is identical to that reviewed in Third Division Award 31327. The Board obviously reaches the same conclusion as in that Award.

Form 1
Page 2

Award No. 31326
Docket No. MW-30375
96-3-92-3-109

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 25th day of January 1996.