

Award No. 7942
Docket No. MS-9202

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

VICTOR JACOBS

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

STATEMENT OF CLAIM: The propriety of Petitioner's discharge from the service of respondent on June 4, 1956 from the position of crossing watchman, in particular the question as to whether petitioner is capable of performing the duties of a crossing watchman in a safe manner, said question having been determined on September 27, 1956 adversely to the petitioner by the chief operating officer of respondent carrier designated to handle such disputes.

OPINION OF BOARD: On the record before us, the Division concurs with the interpretation placed on the contractual provisions of the agreement governing the craft involved by the parties thereto and therefore, holds that an affirmative Award is not warranted on the claim asserted herein.

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 thereon;

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May, 1957.