

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Norris C. Bakke, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD
COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the New York, Chicago and St. Louis Railroad, that:

(1) The Carrier violated Rule 4 (a) of the parties' agreement when on April 29, 1957, it dismissed J. M. Foley from the service without just cause.

(2) The Carrier also violated Rule 4 (c) when it failed to render a decision within ten days from date of appeal.

(3) The Carrier shall, because of the violations set forth above, restore J. M. Foley to the service with all rights unimpaired and compensate him for all time lost.

OPINION OF BOARD: While there is a conflict between the parties concerning compliance with Rule 4, we make no decision thereon for the reason that on the merits of the case we find nothing in the record to warrant disturbing the action of the Carrier.

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

That both parties to this dispute waived 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 in accordance with Opinion the 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 25th day of June, 1959.