

**Award No. 9270**  
**Docket No. MS-11572**

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THOMAS JAMES PHILLIPS**

**NEW YORK CENTRAL RAILROAD (New York District)**  
**and**  
**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,**  
**FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**STATEMENT OF CLAIM:** Reimbursement of pay for time lost with the right to return to work on a seniority basis.

**OPINION OF BOARD:** The record shows that there is agreement between the parties signatory to the applicable agreement concerning the propriety of the action taken thereunder in the instant case. Accordingly, Petitioner's claim herein is without merit.

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

That the parties to this dispute waived oral hearing;

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.

**AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty**  
**Executive Secretary**

Dated at Chicago, Illinois, this 24th day of March, 1960.