

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Illinois Central Railroad Company that:

(a) The Carrier violated Article 5, Section 66, and other provisions of the Signalmen's Agreement when it failed and/or refused to demote Assistant Signalmen H. E. Williams, H. E. Johnson, D. R. Forby, W. F. Lindsey, and C. E. Heern to Signal Helpers when they refused promotion to Signalman position issued in Bulletin No. 6, dated October 26, 1956, after each had completed eight periods of 130 eight-hour days of service as Assistant Signalmen, as provided in Article 3, Section 35, of the agreement.

(b) The Carrier further violated the Signalmen's Agreement on December 17, 1956, when following a formal investigation held December 7, 1956, it demoted only the senior Assistant Signalman cited above, who was H. E. Williams, to Signal Helper and permitted the remaining Assistants to work and hold seniority in the Assistant's Class.

(c) The Carrier further violated the Signalmen's Agreement on or about January 25, 1957, when after having demoted H. E. Williams to Signal Helper on December 17, 1956, for declining promotion, it arbitrarily appointed him to the Signalman's position awarded to J. H. Lougeay by Bulletin No. 6-A dated November 7, 1956, and demoted J. H. Lougeay to Assistant Signalman position the same date, causing him to forfeit all seniority he had accumulated in the Signalman's class and reducing his rate of pay to Assistant Signalman. Such action by the Carrier violated Article 8, Section 90, of the Signalmen's Agreement.

(d) The Carrier now be required to demote the employees cited in part (a) of this claim to Signal Helpers as provided in Article 5, Section 66, of the agreement and return J. H. Lougeay to the position of Signalman at East St. Louis Hump, with all seniority and rights restored and unimpaired.

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

That the Carrier and Employee involved in this dispute are respectively carrier and employee 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;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing was waived and under date of January 31, 1962, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Claim dismissed.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of February 1962.