

Award No. 11257

Docket No. MS-10925

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

J. E. LYON

CHARLESTON & WESTERN CAROLINA RAILWAY COMPANY
AND
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: "Petitioner's desires an Award granting and restoring to him his right to the operation of the Orton Crane at his employment by reason of the contract, his seniority thereunder, his classification and Group thereunder, and by the custom and practice relating to the Orton Crane in the past operating procedures of the Carrier and Brotherhood, and for any loss of earnings suffered by the denial of his claim and right to such work from in or about September, 1957, the work having been assigned to another employe upon seniority but the same being from another classification and Group, seniority not being interchangeable between Groups under the contract."

OPINION OF BOARD: The issue presented in this Docket must necessarily be determined on the basis of the rules of the controlling Agreement and in accordance with the interpretation to be placed thereon.

We find that the Petitioner's interpretation of the Agreement rules is not supported by the record but, to the contrary, that the record fully supports the interpretation placed on the Agreement by the Carrier and by the Organization.

The Division, therefore, finds and holds that there was no violation of the Agreement and that the Claim must be and is hereby denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence finds and holds:

That the Carrier, Organization and Employee involved in this dispute are respectively Carrier, Organization 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; 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 28th day of March, 1963.