

Award No. 11258

Docket No. MW-11768

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

WABASH RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier's action in removing Mr. T. Q. Browne's name from the May 1, 1959 St. Louis Terminal Division Crossing Watchman's seniority roster was improper and in violation of the effective Agreement.

(2) Mr. T. Q. Browne now be reinstated to service with all rights unimpaired and his name restored to the May 1, 1959 Crossing Watchman's seniority roster and all subsequent rosters, account of the violation referred to in Part (1) of this claim.

OPINION OF BOARD: In view of the facts and circumstances in this particular case, and without construing the rules of Agreement relied upon by the parties as might apply to any other case, this claim will 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 and the 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; and

That claim should be denied in accordance with Opinion.

AWARD

Claim denied in accordance with Opinion and Findings.

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