

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

JED P. LADD, SR.

CENTRAL VERMONT RAILWAY, INC.

and

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

STATEMENT OF CLAIM: The question involved in this submission is that of seniority rights pertaining to one Jed P. Ladd and one J. M. Ethier. It is alleged that one Mr. Ethier was allowed by the Central Vermont Railway, Inc. and Brotherhood of Maintenance of Way Employees to displace one Mr. Jed P. Ladd from a position in the Right of Way Division when the said Mr. Ethier had less seniority than the said Mr. Ladd.

OPINION OF BOARD: The issue here is whether the Claimant established seniority as a Drawbridge Tender by virtue of his intermittent assignments to temporarily "relieve Drawtenders, Assistant Drawtenders, or Relief Drawtenders."

The record clearly discloses that the interpretation mutually applied to the rules of the so-called 1941 Agreement, together with the unambiguous language of the successor (current Agreement of 1955), fully supports the position of the Carrier and of the Brotherhood. Consequently, the position of the Carrier and of the Brotherhood is sustained and the claim of the Petitioner is denied.

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

That the parties waived oral 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 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 14th day of September 1964.