Award No. 14748
Docket No. MW-12278

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

G. Dan Rambo, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

ILLINOIS CENTRAL RAILROAD COMPANY

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

(1) The decision by Division Engineer Megee, dated December 23, 1958 and the decision by Superintendent Bodell, dated February 16, 1959 in the claim in behalf of Crane Operator Roy Pettice (Carrier's File 134-216-471) were not in conformance with the requirements of Sections 1 (a) and (c) of Article V of the August 21, 1954 Agreement, and in consequence thereof;

(2) The Carrier now be required and directed to allow the claim in behalf of Crane Operator Roy Pettice as was presented by Local Chairman Malone under date of November 7, 1958.

EMPLOYES STATEMENT OF FACTS: The facts surrounding the presentation of this claim are substantially set forth in the letter of claim presentation (referred to in Part (2) of Statement of Claim) which reads:

"1102 Dunlop
Forest Park, Illinois
November 7, 1958

Mr. J. H. Magee, Division Engineer
Illinois Central Railroad
135 East 11th Place
Chicago 5, Illinois

Dear Sir:

Claim is presented as follows:

STATEMENT OF CLAIM:

The claim was then appealed to the Manager of Personnel, the highest Carrier officer authorized to handle it, by letter dated July 9, 1959. (See Carrier's Exhibit G.) The claim was declined by letter dated September 2, 1959. (See Carrier's Exhibit H.)

The agreement between the two parties to this dispute dated September 1, 1934, as amended, is by reference made a part of this dispute.

(Exhibits not reproduced.)

OPINION OF BOARD: The dispute involves the question of whether an adequate reason for denial of a claim under the provisions of Article V of the August 21, 1954 Agreement was given by Carrier's Division Engineer and Superintendent in response to claim filed by the Organization.

The same or similar question arising under the same Agreement and involving the same parties has been before this Board on previous occasions and a decision on this question was rendered in Awards 11208 (Coburn); 11441 (Dolnick); 11887 (Christian); and 12298 (Wolf). A further discussion here would be repetitious.

We find no substantial difference between these previous claims and the question involved in the instant claim. Therefore, we hold that the Agreement was not violated.

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 Employes involved in this dispute are respectively Carrier and Employes 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 dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 4th day of August 1966.

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