

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20411
Docket Number MS-20625

William M. Edgett, Referee

PARTIES TO DISPUTE: (Gervis L. Tillman
(The New York and Long Branch Railroad Company

STATEMENT OF CLAIM: This is to serve notice, as required, of my intention to file an ex-parte submission concerning an unadjusted dispute between me, the New York and Long Branch Railroad, and the Brotherhood of Maintenance of Way.

After complying with rule 8 on September 21, 1973 to fill a permanent position, I was utilized two days between the dates of September 21, 1973 and September 28, 1973. This being in violation of existing rules, I notified the Carrier and the Union in protest. Where-upon, I was dismissed from service by the Carrier without a hearing, in violation of Rule 36.

In view of stated violations by the Carrier and the negligence of the Union to act in protection of my vested interest, I am requesting to be returned to service with all rights and compensation based on a forty hour work week for the period from the 21st of September, 1973 to such time as I am fully restored to service.

OPINION OF BOARD: This claim was not handled on the property in accordance with the provisions of the applicable collective bargaining Agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of this Board. It must be dismissed.

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;

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 claim must be dismissed.

Award Number 20411
Docket Number MS-20625

Page 2

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Claim dismissed.

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By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 27th day of September 1974.