

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award Number 24352  
Docket Number MW-24953

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(Escanaba and Lake Superior Railroad Company

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

(1) The claim\* as presented by Assistant General Chairman F. M. Larson on January 8, 1981 to the Carrier shall be allowed as presented because the claim was not disallowed by President John Larkin (appealed to him in a letter dated April 24, 1981) in accordance with Sections (a) and (c) of Rule 52. (System File ELS-1679)

\*The letter of claim will be reproduced within our initial submission."

OPINION OF BOARD: In this docket, the Carrier has failed to file an ex parte submission and failure to do so leaves the position and assertions of the Organization, which adequately support the claim, unchallenged and uncontroverted. The claim, therefore, must be sustained. (Awards 14891, 24020, 24021 and 24037)

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 had jurisdiction over the dispute involved herein; and

That the Agreement was violated.

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Claim sustained as presented.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

BY Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 27th day of April 1983.

