

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24378
Docket Number MS-24315

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Clarence R. Hayes
{ Western Weighing and Inspection Bureau

STATEMENT OF CLAIM: "This is to serve notice as required by the Rules of the National Railroad Adjustment Board, Third Division, of my intention to file an Exparte Submission thirty (30) days from date of this notice covering unadjusted disputes between me and the Western Weighing and Inspection Bureau involving the following claims:

(1) - Abolishment of Position #42, held by C. R. Hayes, Agent Galveston, Texas, effective August 1, 1978.

(2) - Removal of work files, previously worked by C. R. Hayes, Agent, Galveston, Texas, to Houston, Texas.

(3) - Claim for Memorial Holiday pay, date of May 29, 1978."

OPINION OF BOARD: The Claimant requested holiday pay for May 29, 1978.

Quite aside and apart from the various procedural and jurisdictional objections raised by the Employer, we are of the view that nothing has been presented to us to demonstrate that the Employer did not have a right to abolish assignments. Here we find a legitimate decline in business, and the Carrier acted appropriately insofar as any rules are concerned. Accordingly we will deny the claim.

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 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 the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May 1983.



NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

INTERPRETATION NO. 1 TO AWARD NO. 24378

DOCKET NO. MS-24315

NAME OF INDIVIDUAL: Clarence H. Hayes

NAME OF CARRIER: Western Weighing and Inspection Bureau

Upon application of the employe involved in the above Award that this Division interpret the same in the light of the dispute between the parties as to its meaning and application, as provided for in Section 3, First (m) of the Railway Labor Act, as approved June 21, 1934, the following interpretation is made:

The requested interpretation seeks to reargue the merits of the dispute and to urge, again, various procedural questions.

The Division has no authority under the guise of an interpretation to amend, modify or expand the scope of an Award and can only explain and interpret it in light of the circumstances that existed when the Award was rendered. There is no proper request for interpretation before us and we will reaffirm our original Award.

Referee Joseph A. Sickles, who sat with the Division, as a neutral member, when Award No. 24378 was adopted, also participated with the Division in making this interpretation.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Dever, Executive Secretary

Dated at Chicago, Illinois, this 4th day of November, 1983