

The Third Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(Norfolk and Western Railway Company (former The  
( Virginian Railway Company)

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

(1) The Agreement was violated when improper notice of job abolishment was given to Section Laborer J. A. Smith effective July 20, 1984 (System File V-TC-3203/MW-BL-86-26).

(2) As a consequence of the violation referred to in Part (1) hereof, Section Laborer J. A. Smith shall:

'... be paid for each and every hour that this trailer is at Oak Hill, West Virginia and that he be paid for mileage and time for each and every day that he is required to drive to Mullins, West Virginia when he has work available to him at Oak Hill.'

FINDINGS:

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

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

During November, 1983, the parties entered into an Agreement permitting employees of the former Virginian Railway to bid on floating section gang jobs when such gangs were performing work on the former Virginian lines. As a result of the same Agreement, the Carrier abolished a number of fixed territory section gangs staffed by former Virginia employees. Claimant was a Section Laborer regularly assigned to the "PAX" section gang, headquartered at Oak Hill, West Virginia. The Carrier abolished not only Claimant's position but also the entire "PAX" gang on July 20, 1984. Claimant contends that the Carrier improperly abolished his position.

The Board does not find any violation of the Agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of August 1990.