

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30700
Docket No. MW-30332
95-3-92-3-83

The Third Division consisted of the regular members and in addition Referee W. Gary Vause when award was rendered.

PARTIES TO DISPUTE: (CSX Transportation, Inc. (former
(Louisville and Nashville Railroad Company)
(
(Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

"J.L. Coleman, ID# 186653 is entitled to eight hours pay at Backhoe Operator straight time rate for each November 19, 20 and 21, 1990. Carrier's file 12 (91-429), Organization's file 6-4-91"

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

There is no justifiable case before this Board because the party which initially filed this claim on the property withdrew the claim subsequent to the Carrier's Notice of Intent to the Board. See First Division Award 23955.

AWARD

Claim dismissed.

Form 1
Page 2

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O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 31st day of January 1995.