

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nicholas H. Zumas, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

TEXAS CITY TERMINAL RAILWAY COMPANY

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

(1) The Carrier violated the Agreement when it suspended *Track Foreman Billie S. Elliott and Track Laborer Javier I. Longoria from service without first giving them a fair and impartial hearing in accordance with Article XIII, Rule 1, of the controlling Agreement.

(2) The "charge" against the claimants be stricken from the record and payment be allowed for salary loss sustained, all in accordance with Rule 4 of Article XIII of the controlling Agreement.

* Claimant Elliott suspended from service from 2/8/65 through 2/21/65 (Carrier's file 6371)

Claimant Longoria suspended from service from 2/8/65 through 2/14/65 (Carrier's file 6508)

OPINION OF BOARD: In this docket, the Carrier has failed to file either an initial submission or a response to the Organization's Submission; and a 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.

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 Employes involved in this dispute are respectively Carrier and Employes 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 Carrier violated the Agreement.

AWARD

Claim sustained as presented.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of October 1966.