

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24020  
Docket Number MW-24698

PARTIES TO DISPUTE: (Brotherhood of **Maintenance** of Way **Employes**  
(The **Escanaba and Lake** Superior Railroad Company

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

(1) The Carrier violated the Agreement when it failed and refused to allow **Mr. Fred Barron** holiday pay for January 1, 1981 (System We **ELS-1713**).

(2) The claim as presented by General Chairman W. C. Jorde in a letter dated February 13, 1981 shall be **allowed** as presented because General **Manager John Larkin** did not give reasons for **his** declination thereof dated July 24, 1981.

(3) As a consequence of either or both (1) and/or (2) above, Claimant **Fred Barron shall be** allowed

'eight hours at his respective straight time rate of pay for the New Year's **Holiday**'."

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. (Award 14891)

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

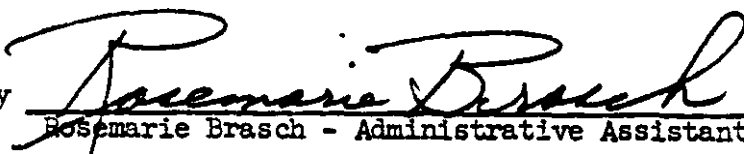
That the Agreement was violated.

A W A R D

Claim sustained as presented.

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 20th day of October 1982.

