

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award Number **24352**  
Docket Number MW-24953

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

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

(1) The claim\* es presented by **Assistant** General Chairman F. M. Larson on January 8, **1981** to the Carrier shall be allowed as presented because the claim was not disallowed by President John **Larkin** (appealed to him in a letter dated April 24, 1981) in accordance with Sections (a) and **(c)** of Rule 5.2. (System File ELS-1679)

**\*The** letter of claim will be reproduced within our initial submission."

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, unchanged and **uncontroverted**. The claim, therefore, must be sustained. (**Awards** 14891, 24020, 24021 and 24037)

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 had jurisdiction over the dispute involved herein; and

That the Agreement was violated.

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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 27th day of April 1983.

