



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the  
  
REPRESENTATION OF  
EMPLOYEES  
  
of  
  
WHEELING & LAKE ERIE  
RAILWAY COMPANY  
  
Clerks

31 NMB No. 100  
  
CASE NO. R-7013  
  
CERTIFICATION  
  
August 11, 2004

The services of the National Mediation Board (Board) were invoked by Margaret (Peggy) Failor, an individual on May 14, 2004, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as "Clerks," employees of Wheeling & Lake Erie Railway Company (Carrier).

At the time this application was received, these employees were represented by the United Transportation Union (UTU).

The Board assigned Investigator Norman L. Graber to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Clerks, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Graber.

Number of Employees Voting:

	<u>UTU</u>	<u>Margaret (Peggy) Failor</u>	<u>Number of Employees Eligible</u>
Clerks	0	10	14

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

CERTIFICATION

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigation pursuant thereto, the Board certifies that the Margaret (Peggy) Failor has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Clerks, employees of Wheeling & Lake Erie Railway Company, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson  
General Counsel