

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**  
**THE DENVER AND RIO GRANDE WESTERN RAILROAD**  
**COMPANY**

(Wilson McCarthy and Henry Swan, Trustees)

**STATEMENT OF CLAIM:** "Claim of Employees' Committee, first: that the Carrier violated Rules 37 and 50 of Agreement in effect, by requiring its section foremen on Roadmaster C. Johnson's district, Pueblo Division, to remain at their respective section headquarters on Sundays and holidays without overtime compensation.

"Second: that section foremen on Roadmaster C. Johnson's district shall be paid at the rate of time and one-half for each Sunday and holiday on which they were required to remain at their headquarters retroactive from December 5, 1938."

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees 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 hearing thereon has been held and concluded. Under date of January 8, 1941, the parties jointly advised the Secretary of the Third Division of their desire to withdraw it from further consideration by the Division, which request is hereby granted.

**AWARD**

Case dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of Third Division

**ATTEST: H. A. Johnson**  
Secretary

Dated at Chicago, Illinois, this 17th day of January, 1941.