

Award No. 2357
Docket No. MW-2501

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
SOUTHERN PACIFIC LINES IN TEXAS & LOUISIANA**

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

(a) That L. R. Hurley was denied assignment as Assistant Foreman in line with his seniority, on bulletin dated October 30, 1940;

(b) That L. R. Hurley be accorded a seniority date as Assistant Foreman of November 25, 1940; and

(c) That L. R. Hurley be paid the difference between what he received as B. & B. carpenter and what he would have received had he been assigned as Assistant Foreman for the period a junior employe served in that capacity.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That no hearing thereon has been held, and under date of November 3, 1943, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, 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 5th day of November, 1943.

[465]