

Award No. 4221
Docket No. MW-3710

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

DELAWARE AND HUDSON RAILROAD CORPORATION

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

(1) That the Management violated the provisions of the current working agreement between the Delaware and Hudson Railroad Corporation and the Brotherhood of Maintenance of Way Employes when it failed to advertise and award a position of Plumber Foreman, on the Champlain Division;

(2) That position of Plumber Foreman, Champlain Division, be advertised and awarded in accordance with the provisions of Rule 27-a of the current working agreement;

(3) That the senior Plumber working on the Champlain Division be allowed the difference in pay between what he did receive at the Plumber's rate and what he should have received at the Plumber Foreman's rate from January 16, 1945, until such time as the position of Plumber Foreman is properly advertised and awarded.

FINDINGS: The Third Division of the Adjustment Board finds:

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;

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

That under date of November 29, 1948, the parties jointly advised the Acting Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 9th day of December, 1948.