

Award No. 4857

Docket No. MW-4943

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

DELAWARE AND HUDSON RAILROAD CORPORATION

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

(1) That the Carrier violated the effective agreement when on August 1, 1948, and on subsequent days thereto, it assigned Edward Krueznieski to the position of Portable Machine Operator and compensated him at a rate of pay not applicable to such a position;

(2) That a corrected bulletin be issued showing the title of the position as Portable Machine Operator and listing the rate of pay applicable for such a position;

(3) That the employee assigned to this position during the period referred to in Part (1) of this claim, be paid the difference between what he did receive and what he should have received at the Portable Machine Operator's rate of pay.

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

That hearing was held and concluded. Under date of May 5, 1950, the parties jointly addressed a formal communication to the Acting Secretary of the Third Division requesting withdrawal of 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 19th day of May, 1950.