

Award No. 5022
Docket No. MW-5270

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
MISSOURI PACIFIC LINES

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

(1) The Carrier violated the Agreement by assigning to outside parties, certain B&B work embraced within the Scope;

(2) B&B Foreman F. W. Gilday and others as listed in Assistant General Chairman Andre's letter of May 8, 1947, addressed to Division Engineer T. C. McCord, be compensated at the pro rata rate for an amount of time equivalent to that required by the employees of the contractors, to perform the work involved in this claim;

(3) Each of these claimants be paid for his proportionate share of the total time worked by the employees of these contractors beginning February 1, 1947, and continuing until this violation of the Agreement is stopped.

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 August 31, 1950, the complainant party addressed a formal communication to the Acting 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: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 11th day of September, 1950.