

Award No. 5101

Docket No. MW-5080

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

GULF, MOBILE AND OHIO RAILROAD COMPANY

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

(1) That the Carrier violated the Agreement when it failed to compensate Mason Helpers R. E. Sweeney, J. W. Kramer, L. J. Gress, K. E. Walston, F. L. Hazelwonder, H. L. Allen and A. W. Rhodes at the B&B Carpenter's rate of pay for their services as rendered during the period October 18 to October 27, 1948 while they were employed at dismantling the coal chute and sand house at Venice, Illinois, and the Carrier further violated the agreement by failing to compensate Mason Helper W. E. Davis at the Welder's rate of pay during this same period while he was employed on this same assignment.

(2) That the claimants specified in part (1) of this claim be now reimbursed for the difference in rate of pay received at their mason helper's rate and what they should have received at the B&B carpenter's rate during the period specified above, and that Mason Helper W. E. Davis be reimbursed for the difference in pay received at the Mason Helper's rate and what he should have received at the welder's rate during the same period while working on the same assignment.

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 Employee involved in this dispute are respectively Carrier and Employee 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 hearing thereon has been held and concluded. Under date of October 25, 1950, the respective parties jointly advised the Acting 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: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 21st day of November, 1950.