

Award No. 5990
Docket No. MW-6073

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Fred W. Messmore, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
BOSTON AND MAINE RAILROAD**

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

(1) That the Carrier violated the agreement when it assigned Extra Crews Nos. 7 and 8 to perform overtime work on Section No. 95 on Sunday, October 21, 1951, in lieu of assigning the work to the employes regularly employed on Section No. 95;

(2) That Track Foreman M. T. Godfrey and Trackmen J. J. Drapeau, R. White, S. Marmogonian, W. Butler and W. O. Card, Jr., be allowed nine (9) hours pay each at their respective time and one-half rates of pay account of the violation referred to in part (1) of this claim.

FINDINGS: The Third Division of the Adjustment Board upon the whole record and all the evidence, finds and holds:

That both parties to this dispute waived oral hearing thereon;

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 by Ex Parte Submission; and

That under date of October 23, 1952, the parties jointly advised the 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: (Sgd.) A. Ivan Tummon
Secretary**

Dated at Chicago, Illinois this 31st day of October, 1952.