NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

ERIE RAILROAD COMPANY

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

(1) Carrier violated the Agreement when it failed and refused to allow the Work Equipment Operator's rate to employes who were required to operate a Gravely Tractor snow plow in the vicinity of Binghamton, Waverly and Port Jervis on January 5, 14, 15, 16, 1954 and on dates subsequent thereto.

(2) Trackman Patsy Trotta and other trackmen who performed the service referred to in Part (1) of this claim be allowed the difference between what they were paid at the trackman's rate and what they should have been paid at the Work Equipment Operator's rate for the time each consumed in operating the Gravely Tractor snow plow.

(3) That the employes entitled to payment and the amounts due each of them be accurately determined by a joint check of the Carrier's records.

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 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 the complainant party; and

That hearing thereon has been held and concluded. Under date of June 25, 1956, 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: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 11th day of July, 1956.