

Award No. 8191
Docket No. MW-8966

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY

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

(1) The Carrier violated the Agreement when, without just, sufficient or proven charge, it disciplined Sectionman Ross H. Phipps by the imposition of a thirty day suspension from service for alleged and unproven responsibility for a tractor being struck by a train at or near Mile Post 545 on October 18, 1955.

(2) The record of Sectionman Ross H. Phipps be cleared of such charges and compensation be made for wage loss suffered by him, all in accordance and compliance with Rule 19 of the effective Agreement.

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 December 30, 1957, the complainant party addressed a formal communication to the 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. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 6th day of January, 1958.