

Award No. 8321
Docket No. MW-8778

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

UNION PACIFIC RAILROAD COMPANY

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

(1) The Carrier violated the Agreement when it assigned other than Steel Erection Employees to perform steel bridge work on Bridge 178.98 at Belvedere from December 21, 1954 to January 7, 1955; both dates inclusive; a total of 290 man-hours being consumed in the performance thereof;

(2) Because of the violation referred to above, the following employees of Steel Erection Gang No. 9009 be allowed pay at their respective straight time rates as follows:

NAME	OCCUPATION	NO. OF HOURS
E. J. Chval	Steel Erection Foreman	24
T. E. Siemers	Bridge Welder	28
R. F. Nelson	Bridge Welder	28
D. G. Blaker	Steel Bridgeman-First Class	32
D. D. Siemers	Steel Bridgeman-2nd Class, Truck Operator	32
J. W. Annan	Steel Bridgeman-2nd Class	36 ½
F. A. Zamecnik	Steel Bridgeman-2nd Class	36 ½
F. A. Petty	Steel Bridgeman Helper	73

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 Carrier and Employees involved in this dispute are respectively Carrier and Employees with 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 April 2, 1958, 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 28th day of April, 1958.