

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
SOUTHERN PACIFIC COMPANY (Pacific Lines)

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

(1) The Carrier violated the Agreement when it failed to call and use B&B Mechanic Joseph E. Robbins to perform overtime from May 15, 1956 to June 1, 1956 inclusive and, in lieu thereof, used a junior B&B mechanic, namely Mr. James Burton.

(2) The Carrier pay additional compensation to B&B Mechanic Joseph E. Robbins in the amount of 216 hours at the time and one half rate, his regular rate as provided in the Agreement, particularly Rule 2.

(3) (a) Superintendent Anderson's disallowance of the above mentioned claim did not meet the requirements of Article V, 1 (a) of the Agreement of August 21, 1954.

(b) Assistant Manager of Personnel Stephenson's decision of October 4, 1956 did not disallow claim presented to him, that claim as presented should be allowed because of Superintendent Anderson's decision as referred to in Part (a) of this Part 3 of Statement of Claim.

(4) For the reasons set forth in Parts 1 and 3 of this claim, Claimant Robbins be allowed payment as per Part 2 of this claim.

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 October 3, 1958, the complainant party addressed a formal communication to the Secretary of the Third Division, requesting withdrawal of this case, which request is hereby granted.

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AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of October, 1958.