

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
MISSOURI PACIFIC RAILROAD COMPANY

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

(1) The Carrier violated the Agreement on August 21, 22, 23, 24, 27, 28, 29, 30, 31, September 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, October 1, 2, 4, and 5, when it assigned or otherwise permitted other than employees holding seniority within the scope of Carrier's Agreement with the Brotherhood of Maintenance of Way Employees to install a retainer wall for placement of fire brick in the new boiler room of the Power House at Ewing Avenue Shops, St. Louis, Missouri.

(2) The decision of Assistant General Manager Elledge, dated June 3, 1957, in response to the appeal presented to him under date of March 25, 1957, was not within the time limits stipulated within the provisions of Article V of the Agreement of August 21, 1954 and said decision was therefore null and void.

(3) The claim as initially presented under date of November 26, 1956 and as presented on appeal to Mr. Elledge, now be allowed because of the violations referred to in parts (1) and (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 January 16, 1959, 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 20th day of January, 1959.