

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

THE BALTIMORE AND OHIO RAILROAD COMPANY

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

(1) The Carrier violated the effective Agreement when it directed and required Section Foreman Wilbur Beach to assume the duties, responsibilities, and work load of two positions during the vacation absence of Section Foreman J. H. Coffman from June 18 to July 6, 1956, both dates inclusive.

(2) That the Division Engineer's disallowance of the claim was not in conformance with Article V, Section 1 (a) of the Agreement signed at Chicago, Illinois on August 21, 1954, account of failure to notify of his reasons for said disallowance.

(3) Because of the violations referred to in Parts (1) and (2) of this claim, the Carrier now be required to allow the following claim which was presented under date of July 30, 1956:

"Claim is filed herewith in behalf of Foreman Wilbur Beach in the amount of 112 hours (14 days) pay at the Foreman pro rata rate applicable to Section 52 at North Vernon."

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. Under date of February 20, 1959, 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 26th day of February, 1959.