

Award No. 9009
Docket No. MW-8821

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

UNION PACIFIC RAILROAD COMPANY

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

(1) The Carrier has violated and continues to violate the Agreement in assigning Water Service Foreman's duties to Water Service Mechanics with headquarters at Huntington, La Grand, Hinkle and The Dalles respectively;

(2) Messrs. M. T. Childers, A. H. Johnson, C. L. Kugler and V. G. Lane each be allowed the difference between what they were paid as Water Service Mechanics and what they should have been paid as Water Service Foremen had they properly been assigned as such to the water service units at Huntington, La Grand, Hinkle and The Dalles beginning with the first date of violation and continuing until the violation is corrected.

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 within 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 September 23, 1959, the parties jointly advised the Acting 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of October, 1959.