

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**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 violated the Agreement when it established an extra gang during the latter part of June, 1955, and failed to bulletin the foreman's position on said gang;

(2) The Carrier again violated the Agreement when it failed to bulletin the position of foreman on said gang when Mr. M. D. Bates relinquished said position and again when a Mr. McCarthy was discharged from said position;

(3) The Carrier further violated the Agreement when it used Messrs. James and McCarthy as foreman on said gang; both of said employes being ineligible for said position under the provisions of the applicable rules of the Agreement, and, in addition thereto, because they were both junior to Mr. Earl M. Whiteman, a qualified track foreman;

(4) Earl M. Whiteman now be paid the difference between the wages paid him as a relief foreman and the wages which would have been paid him as foreman of this extra gang for each day in which a junior and/or ineligible employe was used as foreman on Extra Gang No. 747 and later identified as Extra Gang No. 2308.

**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 Employes involved in this dispute are respectively Carrier and Employes 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.