

**Award No. 9995**  
**Docket No. MW-12497**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**  
**DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY**

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

(1) The Carrier violated the effective agreement when, at the close of work on October 30, 1959, it arbitrarily eliminated Section No. 14 at Scott and assigned the territory comprising that section to five (5) adjoining sections and thereby abolished the position of Section Foreman at Scott.

(2) The senior unassigned Section Foreman, or if there are no unassigned section foremen, the senior assistant foreman, be compensated at the rate applicable to the position of Section Foreman on Section #14 at Scott, to continue until the position of Section Foreman is restored on that section, such compensation to be in addition to other compensation paid for services rendered by the claimant.

**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 July 5, 1961, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, 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 14th day of July, 1961.**