

Award No. 9996
Docket No. MW-12498

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
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 September 4, 1959, it arbitrarily eliminated Section No. 22, Toivola and assigned the territory comprising that section to three (3) adjoining sections and thereby abolished the position of Section Foreman at Toivola.

(2) That 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 No. 22, Toivola, retroactive to sixty days from December 24, 1959 and to continue until the position of Section Foreman on Section No. 22, Toivola is restored, 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.