

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

SOUTHERN RAILWAY COMPANY

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

(1) The Carrier violated the effective Agreement when, on March 7, 8, 9, 10, 11, 16, 17, 18, 21, 22, 23, 28, 29, 30, 31, 1955 and on April 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, and 15, 1955, it assigned Track Laborer Talmadge Thomas to perform the usual and customary duties of a helper on Crane CTS-14 and failed and refused to compensate him at the Crane Operator helper's rate of pay.

(2) The Carrier now be required to reimburse Track Laborer Talmadge Thomas for the difference between what he received at the track laborer's rate and what he should have received at the Crane Operator Helper's rate of pay for services as rendered on the dates referred to in part (1) of this claim.

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 June 26, 1961, 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 19th day of July, 1961.