

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

---

**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, on May 14, 1958, it arbitrarily abolished Section 19, Virginia and extended the limits of Section 18, Rainy Junction to include the trackage and work comprehended in the abolished positions of Section Foreman and Section Laborers on Section 19.

(2) The senior unassigned Section Foreman on the Missabe Division, or, if no unassigned Section Foreman, the senior Assistant Section Foreman be allowed the difference between what he earned in the Carrier's employment and what he would have earned at the established Section Foreman's rate for Section 19, Virginia, beginning on May 15, 1958, and continuing until the section is re-established and the position of Section Foreman properly filled.

(3) Each employe on Section 19, Virginia, at the time of abolishment, be allowed mileage at the rate of seven and one-half (7½) cents per mile and pay at his respective time and one-half rate for the additional time consumed in traveling before and after regular assigned hours, beginning on May 15, 1958 and continuing until Section 19 is re-established and the employes returned to their regular headquarters at Virginia.

(4) Each employe displaced as a result of the abolishment of Section 19, Virginia, be allowed pay for all time lost, or, if transferred to another section, be allowed mileage at the rate of seven and one-half (7½) cents per mile and pay at his respective time and one-half rate for time consumed before and after regular assigned hours in traveling to and from his established headquarters, beginning on the date displaced and continuing until returned to the section from which displaced.

**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 July 10, 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 21st day of July 1961.