

Award No. 10162

Docket No. SG-12685

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago, Rock Island and Pacific Railroad Company:

In behalf of Signalman L. W. Schildmiller assigned to the Silvis Signal Repair Shop for one day's pay on May 31, 1960, and one day's pay on June 14, 1960, this to be paid in addition to what he may have already been paid for such days, account the Carrier assigning and/or permitting Assistant Signal Supervisor J. M. Kemp to pick up a Jeep digger which is assigned to the Silvis Signal Repair Shop, and drive it to West Branch, Iowa, on May 31, 1960, at which point it was used by Signal Maintainer L. W. Myers on June 1, 1960, to dig a trench from Mile Post 69 to Mile Post 69, Pole No. 3; also on June 3, 1960, Assistant Signal Supervisor Kemp drove the Jeep digger to Vinton, Iowa, where it was used by signal employees to dig a trench and on June 14, 1960, Assistant Signal Supervisor Kemp drove the Jeep digger back to the Silvis Signal Repair Shop.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the carrier and employee involved in this dispute are respectively carrier and employee 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 was waived and under date of October 18, 1961, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois this 27th day of October 1961.