

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**

**BOSTON AND MAINE RAILROAD**

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

(1) The Carrier violated the effective Agreement when, in lieu of calling and using Spare Crossing Tender L. I. Chartrand to perform crossing tender's work on Middlesex Crossing in Lowell, Massachusetts on October 29, 1958, it called and used Mr. A. E. Loranger, a junior employe.

(2) Spare Crossing Tender L. I. Chartrand now be allowed the exact amount lost because of the violation 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 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 October 8, 1962, 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 11th day of October 1962.