

**Award No. 10882  
Docket No. MW-12629**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
GREAT NORTHERN RAILWAY COMPANY**

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

(1) The Carrier violated the effective Agreement and the supplements thereto when it directed and required Section Foreman Stephen Klick to assume the duties, responsibilities and work load of two positions during the vacation absence of Foreman Merle Spencer from September 14 to October 2, 1959, both dates inclusive.

(2) The decisions by Assistant Superintendent Treml dated October 30, 1959, by Superintendent Surles, dated December 9, 1959, and by General Manager Whitman, dated February 2, 1960, were not in conformance with the requirements of Sections 1(a) and (c) of Article V of the August 21, 1954 Agreement.

(3) Because of the violations referred to in Parts (1) and (2) of this Statement of Claim, the Carrier now be required to allow the claim as was presented by Division Chairman Holden under date of October 27, 1959.

**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 October 22, 1962, 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 29th day of October 1962.