

Award No. 10887

Docket No. MW-13240

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

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

(1) The Carrier violated the agreement and supplements thereto when it required Track Foreman S. Klick to assume more than 25 per cent of the work load of Yard Foreman Merle Spencer while the latter was on vacation on June 7, 10, 14, 17, 21 and 24, 1960.

(2) District Roadmaster R. Marshall failed to notify Claimant Klick, within 60 days of the date claim was presented, that claim was disallowed, thereby defaulting under the provisions of the Claim and Grievance Rule.

(3) The decisions by District Roadmaster Marshall, by Assistant Superintendent M&E, B. Treml, by Superintendent H. J. Surles and by General Manager Whitman did not give cognizable reasons for their respective disallowances of the claim.

(4) Because of the violations referred to in Parts 1, 2 and 3 of this claim, the carrier shall be required to allow the claim presented by the claimant in his letter dated June 30, 1960 and which was personally handed to District Roadmaster Marshall on the same date.

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.