

## NATIONAL RAILROAD ADJUSTMENT BOARD

## THIRD DIVISION

## PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

THE DENVER AND RIO GRANDE WESTERN  
RAILROAD COMPANY

**STATEMENT OF CLAIM:** Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Denver and Rio Grande Western Railroad Company, that:

(a) The Denver and Rio Grande Western Railroad Company violated the current Agreement with the Brotherhood of Railroad Signalmen, including revisions and supplements, when it failed and/or declined to apply the Scope Rule by assigning employees not covered in the Scope Rule, to correct switch trouble at Hydraulic Switch No. 28 in the Roper Yard, Salt Lake City, on January 31, 1970.

(b) Mr. J. C. Tunno be allowed two (2) hours and forty (40) minutes at the time and one-half rate of his assignment, in addition to any other compensation allowed Mr. Tunno for January 31, 1970.

**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 dates of April 14, 1972 and April 17, 1972, the parties separately addressed formal communications 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 DIVISIONATTEST: E. A. Killeen  
Executive Secretary

Dated at Chicago, Illinois, this 21st day of April 1972.

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