

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
SOUTHERN PACIFIC LINES IN TEXAS AND LOUISIANA

STATEMENT OF CLAIM: "Claim for the following employes working on the Bridge and building gang and pile driver engineer employed on the Houston Division of the Southern Pacific Lines in Texas and Louisiana:

Name	Hourly Rate of Pay	Amount of Claim at the Punitive Over Time Rate
J. W. Halford	.62	\$30.38
H. S. Hancock	.58	28.42
Joseph Whyatt	.58	28.42
R. E. Franklin	.48	23.52
J. C. Slaughter	.48	23.52
Les Garrett	.48	23.52
C. C. Dick	.48	23.52
R. C. Crouch	.62	30.38

for the difference between the pro rata rate that they were paid and the punitive over time rate for work performed at Galveston, Texas beginning on a night shift on November 10, 11, 12, 13, 15, 16, 17, 18 and 20, 1937, at which time they worked ten (10) hours each night and on November 19, 1937 they worked eight (8) hours, making a total of 98 hours worked by each employe during this period of time. At this time these employes were moved to Galveston and taken off their regular assigned day shift from 8:00 A. M. until 12:00 Noon, and from 1:00 P. M. until 5:00 P. M., and placed on a night shift beginning at 6:30 P. M. with thirty (30) minutes off for meal period and off at 5:00 A. M. The basis for this claim is due to the fact that the management failed to comply with the provisions of rule 10 Article 5 of the new agreement and Rule (c-1) of Article 5 of the old Agreement, which are identical."

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.

No hearing thereon has been had, and under date of January 10, 1939, the complainant party addressed a formal communication to the Secretary of the Third Division withdrawing this case.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 12th day of January, 1939.