

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**

**SOUTHERN PACIFIC COMPANY (Pacific Lines)**

**STATEMENT OF CLAIM:** "Claim of the General Committee of the Brotherhood of Maintenance of Way Employees, that the Carrier violated Agreement in effect between the Carrier and the Brotherhood by assigning the work of a pumper to an employe not covered by that Agreement; that position of pumper, Newman, Texas, is a position within the scope of the current Agreement between the Brotherhood and Southern Pacific Company (Pacific Lines) and that when such position was reestablished on or before January 14, 1936, it should have been filled with the senior unassigned employe in the class of pumper, and should thereafter have been bulletined and assigned to an employe of the Department coming within the scope of the current Maintenance of Way Agreement, and that the senior unassigned pumper be compensated for net wage loss, retroactively to January 14, 1936, at the prevailing wage rate."

**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 July 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 11th day of July, 1939.