

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
DELAWARE AND HUDSON RAILROAD**

STATEMENT OF CLAIM: "Claim of Employees' Committee:

"First; that the Carrier violated Schedule Rules 16 (e) and 18 (a) by assigning section laborers, employed at Whitehall, Saratoga Division, to irregular hours on August 14, 15, 25, and 26, 1939 and paying them at pro rata rate for services rendered during irregular and overtime hours.

"Second; that employes listed below shall be paid the difference between what they received at pro rata rate and that which they should have received at time and one-half rate for service rendered as follows:

Rocco Simone	August 15th—8½ hrs.
	" 26th—8½ hrs.
Raffaele Sparano	August 15th—8½ hrs.
Francesco Valli	August 14th—8½ hrs.
Henry Affinito	August 14th—8½ hrs.
	" 25th—6 hrs.
	" 26th—5 hrs.
William Golden	August 14th—8½ hrs.
	" 26th—3½ hrs.
Giuseppe Tallino	August 25th—6 hrs.
	" 26th—3½ hrs.
Carl Parillo	August 25th—6 hrs.
	" 26th—5½ hrs.
Harold Pelkey	August 26th—3½ hrs.
Vincent Durant	August 26th—8½ hrs.
Martino Gallo	August 26th—8½ hrs."

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein, and

That hearing thereon has been held and concluded. Under date of May 27, 1941, the parties jointly advised the Secretary of the Third Division of their desire to withdraw it from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 9th day of June, 1941.