

Award No. 2359

Docket No. MW-2503

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
SOUTHERN PACIFIC LINES IN TEXAS & LOUISIANA**

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

(a) That the Carrier violated the provision of the agreement in contracting repairing and painting of company buildings on the Houston Division;

(b) That positions of foreman and mechanics should have been bulletined to employees holding seniority on the Houston Division;

(c) That the senior foreman be paid the difference between what he received working in a lower classification and what he was entitled to receive through seniority as foreman of the gang supervised by an employe holding no seniority on the Houston Division, for the actual time such gang performed work on the Houston Division; and

(d) That senior employees, entitled to the work, holding seniority on the B. & B. Roster, Houston Division, be paid the mechanic's rate for the time they were deprived of the right to place themselves in line with their seniority while three mechanics holding no seniority on the Houston Division were engaged in the work of repairing and painting company buildings.

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 November 4, 1943, 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: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 5th day of November, 1943.