

Award No. 2362
Docket No. MW-2506

**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 agreement when, during 1942 and continuing during 1943, it contracted work coming within the scope of seniority of employes in its Bridge and Building Department, New Orleans Terminal, to Taylor Seidenbach, a contractor;

(b) That the Carrier be required to comply with the provisions of the agreement that all vacancies and new positions in the Bridge and Building Department for foremen and mechanics be bulletined so as to grant employes an opportunity for advancement and to establish seniority in the higher class; and

(c) That employes adversely affected by being denied their right to promotion be paid the difference between what they received and what they were entitled to receive under the provisions of the agreement.

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.