

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

LANCASTER AND CHESTER RAILWAY COMPANY

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

(1) That under the application of the first paragraph of Rule 52 of agreement in effect between the Carrier and the Brotherhood of Maintenance of Way Employees, reading:

"This agreement shall become effective as of October 16, 1944, and shall remain in full force and effect until October 16, 1945, or until the President of the United States declares that hostilities have terminated, whichever occurs last; provided, however, that the railroad shall apply to its employees covered by this agreement any increase or decrease in rates, or any increase in vacation benefits, ordered for such class of employees of short lines in general prior to such termination date."

The employees in the Maintenance of Way Department are entitled to the increases in rates of pay, viz., the sixteen cents (16¢) per hour increase established by agreement between the Carrier's Conference Committee and the National Conference Committee, representing the fifteen cooperating railway labor organizations, under date of April 4, 1946, retroactive to January 1, 1946, and the two and one-half cents (2½¢) per hour increase authorized by direction of the President of the United States and formally established by agreement between the Carrier's Conference Committee and the National Conference Committee, representing the fifteen cooperating railway labor organizations, under date of May 25, 1946, effective May 22, 1946;

(2) That the Carrier shall forthwith put in effect the sixteen cents (16¢) per hour increase in rates of pay, retroactive to January 1, 1946, and the two and one-half cents (2½¢) per hour increase in rates of pay, retroactive to May 22, 1946.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

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

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That hearing thereon has been held and concluded. Under date of November 26, 1947, the parties jointly advised the Secretary of the Third Division of their desire to withdraw this case 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 12th day of December, 1947.