

Award No. 4518
Docket No. MW-4546

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
THE CHICAGO, ROCK ISLAND AND PACIFIC
RAILWAY COMPANY

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

- (1) That the Carrier acted in an unfair and improper manner in dismissing from the service J. M. Ansley, of Hooker, Oklahoma, on account of his motor car being struck by Train Number 3, at MP 447, on July 31, 1947;
- (2) That Section Foreman J. M. Ansley be returned to the service with full seniority rights and vacation privileges unimpaired, and be reimbursed for all monetary loss suffered by him account of the Carrier's improper action.

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 employe involved in this dispute are respectively carrier and employe 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 dates of August 3, 1949, and August 6, 1949, the respective parties advised the Acting 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. A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 9th day of August, 1949.