

Award No. 5047

Docket No. MW-4868

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

**NEW YORK, ONTARIO AND WESTERN RAILWAY
(Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees)**

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

(1) That the Carrier violated the effective agreement when it failed to assign Antonio Christiano to the position of Section Foreman on Section No. 11, Jermyn, Pennsylvania during the period October 16 to October 31, 1948, both dates inclusive.

(2) That Antonio Christiano be reimbursed for the difference in pay between what he did receive at the section laborer's rate of pay and what he should have received at the section foreman's rate of pay during the period referred to in part (1) of this claim.

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 September 1 and September 18, 1950, the respective parties advised the Acting 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: A. I. Tummon
Secretary

Dated at Chicago, Illinois, this 22nd day of September, 1950.