

Award No. 5185

Docket No. MW-5443

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

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

**TEXAS AND NEW ORLEANS RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood, that:

(1) The Carrier violated the effective agreement when it assigned the employes of a General Contractor to recover the Depot roof at Del Rio, Texas, during the period, December 1, 1949, to January 10, 1950;

(2) Assistant Bridge and Building Foreman A. F. Harvey and Assistant Bridge and Building Foreman W. L. Harvey, and all Carpenters and Carpenter Helpers assigned to their two respective crews during the time that the roofing work was performed, be compensated at their straight time rate of pay for an equal proportionate share of the total man-hours consumed by the employes of the General Contractor engaged in the roofing project.

**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 January 8, 1951, the complainant party addressed a formal communication to the Acting 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: A. I. Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 11th day of January, 1951.