

Award No. 5594
Docket No. MW-5820

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
THE DELAWARE AND HUDSON RAILROAD CORPORATION**

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

(1) The Carrier violated the effective agreement when they failed to permit Trackmen John R. Struckle and Kenneth R. Barber to perform over-time service between the hours of 5:30 P. M. January 26, 1949 and 3:30 A. M. January 27, 1949;

(2) Trackmen John R. Struckle and Kenneth R. Barber be allowed six (6) hours pay at their respective time and one-half rates and four (4) hours pay at their respective double time rate because of the violation referred to in part (1) of this claim.

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 December 7, 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 14th day of December, 1951.

[1225]