

Award No. 5959

Docket No. MW-6243

**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:

(1) That the Carrier violated the effective Agreement when it assigned employees in Mason Gangs Nos. 5 and 6 to perform painting work in connection with the installation of Boiler No. 346 at Oneonta, New York, in lieu of assigning the work to employees holding seniority in the Painter's Class;

(2) That the employees assigned to Paint Gang No. 4 be paid at their respective rates of pay for an equal proportionate share of the hours consumed by the employees of the Mason Gangs who were assigned to the work 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; and

That no hearing thereon has been held, and under date of September 16, 1952, the parties jointly addressed a formal communication to the 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: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 7th day of October, 1952.