

Award No. 8679

Docket No. MW-10405

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

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

(1) The Carrier violated the effective Agreement when, on June 24, 1957, it assigned or otherwise permitted an employe of the Salvatore Mills Contractors of Jersey City to perform Machine Operator's work required for and in the excavation for a foundation for the new Bridge and Building headquarters building at Jersey City, N. J.

(2) Machine Operator John Swartzmiller now be allowed pay at his straight time rate for an equal number of hours as was consumed by the Contractor's employe in performing 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 ex parte by complainant party; and

That no hearing thereon has been held, and under date of January 13, 1959, the complainant party 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: A. Ivan Tummon
Executive Secretary**

Dated at Chicago, Illinois, this 14th day of January, 1959.