

Award No. 8696

Docket No. MW-10311

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

MISSOURI PACIFIC RAILROAD COMPANY

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

(1) The Carrier is and has been in violation of the effective Agreement since 'quitting time, May 3, 1957' at which time it effected a paper abolishment of the 'position of Water Service Foreman, Omaha-Northern Kansas Division' and thereafter assigned the duties, responsibilities, and work of said Water Service Foreman's position to the B&B Supervisor, a position which is excluded from the Scope of the Agreement.

(2) The position duties, and responsibilities of the aforesaid Water Service Foreman's position be restored to with the Scope of the subject Agreement and that Water Service Foreman W. Don Johnston be allowed to again resume his duties, work and responsibilities as a Water Service Foreman on the Omaha-Northern Kansas Division.

(3) In addition to other compensation received, Water Service Foreman W. Don Johnston be allowed eight (8) hours' pay at the Water Service Foreman's straight time rate for each work day since May 3, 1957 that he has been deprived of filling the Water Service Foreman's position 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 January 16, 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 20th day of January, 1959.