

Award No. 8701

Docket No. MW-10713

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

MISSOURI PACIFIC RAILROAD COMPANY

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

(1) The Carrier violated the effective Agreement when it required Section Foreman E. L. Ford and Section Laborers J. H. Hartsell, E. Goodbar, D. A. Thomas and W. M. Bearce to perform work which belongs to and comes under the jurisdiction of the Signal Department on September 5 and 9, 1957 and failed and refused to compensate them therefor at applicable Signal Department rates of pay;

(2) For the services referred to in Part (1) of this claim, Section Foreman E. L. Ford be allowed the difference between what he was paid at the Section Foreman's rate and what he should have been paid at Signal Foreman's rate and that Section Laborers J. H. Hartsell, E. Goodbar, D. A. Thomas and W. M. Bearce be allowed the difference between what they were paid at Section Laborer's rate and what they should have been paid at Signal Helper's rate.

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.