

Award No. 9011

Docket No. MW-8963

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**

**UNION PACIFIC RAILROAD COMPANY**

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

(1) When the Carrier failed to disallow the claim presented to B&B Supervisor A. E. Acord in a letter dated May 19, 1955 and signed by each member of B&B Gang 1218, the Carrier was obligated, under the provisions of Article V—1(a) of the August 21, 1954 Agreement, to allow the claim as it was presented in the aforesaid letter;

(2) The Carrier's failure and refusal to meet the obligation referred to in Part (1) of this claim is a violation of Article V—1(a) of the August 21, 1954 Agreement;

(3) The Carrier be required to allow the claim as it was presented to B&B Supervisor Acord in a letter dated May 19, 1955.

(Claim filed on May 19, 1955 relates to the installation of two 18 inch corrugated pipes under the Carrier's tracks near Mile Post 3 on the Malad Branch near Chase Spur by other than B&B employees.)

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That Carrier and Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of September 23, 1959, the parties jointly advised the Acting Secretary of the Third

Division of their desire to withdraw this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 13th day of October, 1959.