

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**  
**UNION 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 Albin W. Dunsten, Assistant Section Foremen J. M. Baker and James E. Hewitt, Sectionmen Henry P. Fick, Ellis L. Harper, Charles W. Paul, Jr., Everett E. Bottlemiller, Carol E. McCullough and Thomas W. Young to suspend work during their regular assigned work period on various dates during the period from March 18, 1957 through April 4, 1957;

(2) The Carrier further violated the effective Agreement when it failed to use Sectionman Henry P. Fick to perform six (6) hours of overtime service on March 17, 1957, one (1) hour on March 23, 1957 and two (2) hours on March 24, 1957 and in lieu thereof, assigned the overtime service to a junior employee;

(3) The Claimants referred to in Part (1) of this claim be allowed pay at their respective straight time rates for the number of hours each was required to suspend work during their regularly assigned work period during the period referred to in Part (1) of this claim;

(4) Sectionman Henry P. Fick be allowed nine (9) hours of overtime pay because of the violation referred to in Part (2) 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 August 31, 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: S. H. Schulty  
Executive Secretary

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