

Award No. 9127  
Docket No. MW-8964

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
DENVER AND RIO GRANDE WESTERN RAILROAD CO.**

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

- (1) The Carrier violated the effective Agreement when, beginning on August 17, 1955 and continuing until the Extra Gang was abolished, it assigned the work of inserting yearly maintenance ties to Extra Gang No. 6031;
- (2) Each Section Gang employee assigned to and/or holding seniority on the territory on which the aforesaid work was performed be allowed pay at their respective straight time rates for an equal proportionate share of the total man-hours consumed in the performance of such work by extra gang employees;
- (3) Each Extra Gang Laborer working in Extra Gang No. 6031 be paid the difference between Section Laborer's rate of pay and Extra Gang Laborer's rate of pay for all time consumed in the performance of the work referred to in part one (1) of this claim.

**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 the carrier and the employees involved in this dispute are respectively carrier and employees 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 January 4, 1960, the parties jointly advised the 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 11th day of January, 1960.