

Award No. 9632
Docket No. MW-9946

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.—
Eastern Lines**

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

(1) The Carrier violated the effective agreement when it dismissed extra gang foreman W. R. Parry from his assignment as such, effective as of June 6, 1956, without just and sufficient cause and without benefit of investigation and hearing which was requested by Claimant Parry and by General Chairman S. E. Fleming.

(2) That Mr. W. R. Parry be allowed the difference in earnings which he would have received had he continued as foreman of the mechanized tie gang and that which he has earned in other employment since his removal from the position of extra gang foreman on June 6, 1956.

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 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 November 2, 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 7th day of November, 1960.