

Award No. 9992

Docket No. MW-12102

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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) The Carrier violated the effective Agreement when it assigned other than its Bridge and Building Department employees to perform the work of removing a wheel lathe machine and a wheel grinding machine from their concrete foundations at the Coach Yard during July and August of 1958 and to remove two wheel boring machines and a miter boring machine from the Mill Building at the East Yard, Los Angeles, California, during May of 1959.

(2) Bridge and Building Department employees W. W. Gibson, L. Earth, William Terry, A. H. Dousett, M. W. Golden and W. N. Johnson each be allowed pay at his respective straight time rate for an equal proportionate share of the total number of man-hours consumed by the other employees in performing the B&B work during July and August of 1958 referred to in Part (1) of this claim.

(3) Bridge and Building Department employees A. H. Dousett, John P. Poche, S. F. Sompolinski and W. A. Gunther each be allowed pay at his respective straight time rate for an equal proportionate share of the total number of man-hours consumed by the other employees in performing the B&B work during May of 1959 referred to in Part (1) 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 July 6, 1961, 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 14th day of July, 1961.