

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

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

(1) The Carrier violated the effective Agreement when it failed and refused to assign Mr. N. Morikis to one of the three Track Foreman's positions advertised in Bulletin No. 1825 and in lieu thereof, assigned the position to Mr. Harry Fiddler, a junior employe.

(2) The Carrier further violated the effective Agreement when it failed to list the applicants for the positions of Track Foreman advertised in Bulletin No. 1825 on Bulletin No. 1825-A in seniority order.

(3) Mr. N. Morikis be assigned to the position of track Foreman and be allowed the difference between what he received at the section laborer's rate and what he should have received at the track foreman's rate of pay since July 5, 1955 because of the violations referred to in Parts (1) and (2) 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 Employes involved in this dispute are respectively Carrier and Employes 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 31, 1962 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 5th day of February 1962.