

Award No. 10843

Docket No. MW-12231

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
BOSTON AND MAINE RAILROAD**

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

(1) The Carrier violated the effective Agreement when it improperly blanked the position of Crossing Tender at Laconia, New Hampshire on Monday, July 27, 1959 and assigned or otherwise permitted its Assistant Superintendent and Trainmaster, who are excluded from the Scope of this Agreement, to perform the duties of said position on that date.

(2) Crossing Tender Harry H. Cameron now be allowed eight (8) hours' pay at his time and one-half rate account of the violation referred to in Part (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 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 October 8, 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.

Case dismissed.

**AWARD**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty  
Executive Secretary**

Dated at Chicago, Illinois, this 11th day of October 1962.