

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 44535  
Docket No. 45620  
22-3-NRAB-000003-190559**

**The Third Division consisted of the regular members and in addition Referee Jeanne Charles when award was rendered.**

**(Brotherhood of Maintenance of Way Employees Division -  
(IBT Rail Conference**

**PARTIES TO DISPUTE: (**

**(Springfield Terminal Railway Company**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Brotherhood that:**

- (1) The Agreement was violated when the Carrier assigned outside forces to perform Engineering and Mechanical Department work (cutting brush) at various locations including between Mile Post 450 and Mile Post 428 near Buskirk, New York beginning on June 25, 2018 and continuing instead of assigning said work to Equipment Operator T. Dooley, Jr. (Carrier’s File MW-18-33 STR).**
- (2) The Agreement was further violated when the Carrier failed to make a good-faith attempt to reach an understanding concerning said contracting as required by Article 3.**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Claimant T. Dooley, Jr. shall be ‘\*\*\* compensated for all hours worked by Steve Burnor Brush Cutting as broken down above as well as the ongoing time worked by the contractor until the contractor is removed from the property or the work seizes (sic). \*\*\*’”**

**FINDINGS:**

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

At the hearing, the Board was advised that the Organization was withdrawing this dispute from the Board. Therefore, no further action is required, and the claim shall be dismissed.

**AWARD**

Claim dismissed.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 8th day of October 2021.