

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45243
Docket No. MW-46725
24-3-NRAB-00003-210296**

The Third Division consisted of the regular members and in addition Referee Melinda Gordon when award was rendered.

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

PARTIES TO DISPUTE: (
(BNSF Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier assigned junior employee J. Newell to perform planned overtime service acting as an EIC (foreman) for a switch install at or near the station of Hammond Mile Post 999.5 on the Southwest Division on October 4, 2019 instead of calling and assigning senior employee D. Van Dyne thereto (System File 2419-SL33-1986/14-20-} Ex Parte } 0060 BNS).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant D. Van Dyne shall now be paid ‘... five (5) hours overtime at the Claimants (sic) current rate of pay.’”**

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 Brotherhood of Maintenance of Way Employees withdrew the claim, and the claim is 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 28th day of March 2024.