

Award No. 6
S.B.A. Case No. 6
(Third Division Docket No. 9549)

SPECIAL BOARD OF ADJUSTMENT NO. 313

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
vs.
UNION PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- "(1) The Carrier violated the Agreement when it established an extra gang during the latter part of June, 1955, and failed to bulletin the foreman's position on said gang;
- "(2) The Carrier again violated the Agreement when it failed to bulletin the position of foreman on said gang when Mr. M. D. Bates relinquished said position and again when a Mr. McCarthy was discharged from said position;
- "(3) The Carrier further violated the Agreement when it used Messrs. James and McCarthy as foreman on said gang; both of said employees being ineligible for said position under the provisions of the applicable rules of the Agreement, and, in addition thereto, because they were both junior to Mr. Earl M. Whiteman, a qualified track foreman;
- "(4) Earl M. Whiteman now be paid the difference between the wages paid him as a relief foreman and the wages which would have been paid him as foreman of this extra gang for each day in which a junior and/or ineligible employee was used as foreman on Extra Gang No. 747 and later identified as Extra Gang No. 2308."

FINDINGS: The Organization, petitioner in the above matter, has requested that the same be withdrawn from this Board's docket.

AWARD: Claim dismissed.

SPECIAL BOARD OF ADJUSTMENT NO. 313

(s) Marion Beatty
Marion Beatty, Chairman

(s) A. J. Cunningham
A. J. Cunningham, Organization Member

(s) A. D. Hanson
A. D. Hanson, Carrier Member

Omaha, Nebraska
June 9, 1960