

Award No. 898
Docket No. 870
2-Am.Ref.-CM-'43

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

RAILWAY EMPLOYES' DEPARTMENT, A. F. OF L.
(BROTHERHOOD RAILWAY CARMEN OF AMERICA)

AMERICAN REFRIGERATOR TRANSIT COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That on and since July 11 and 13, 1942, the American Refrigerator Transit Company at Pueblo, Colorado, has violated the controlling agreement and Rules 46 and 24 thereof by:

- (A) The arbitrary employment of E. J. DeWitt and G. D. Bessey as carmen who are not qualified carmen.
- (B) The arbitrary assignment of E. J. DeWitt and G. D. Bessey to perform carmen's work.

2. That in consideration of the aforesaid violations, the carrier be ordered to

- (A) Discontinue E. J. DeWitt and G. D. Bessey in the service as carmen, and
- (B) Strike the names of E. J. DeWitt and G. D. Bessey from the carmen's seniority roster.

STATEMENT: The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to organization in ex parte form, a hearing thereon was held, and the Division is now in receipt of request from the employes that the case be withdrawn.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 12th day of May, 1943.

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