

**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form, a hearing thereon was held, and the Division is now in receipt of request from the employes that the case be withdrawn.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.