

Award No. 4635
Docket No. 4682
2-DelRay-OCAW-'65

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when award was rendered.

PARTIES TO DISPUTE:

**LOCAL 7-358, OIL, CHEMICAL AND ATOMIC
WORKERS INTERNATIONAL**

DELRAY CONNECTING RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. The Carrier unilaterally assigned Mr. Fred Danforth to an unfilled posted position called "Second Relief Car Inspector," which extended his work week assignment from five days to six days on March 28 and April 4, 1964.

2. That Fred Danforth now be paid the difference between straight time rate and time and one-half rate for such services performed on the above-named dates, and that all such assignments on and after April 4, 1964, be paid at the rate of time and one-half.

3. That the Carrier be estopped from creating fictitious classifications in order to defeat the purposes of rules agreement.

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form, hearing thereon was waived, and the Division is now in receipt of a request from the employees that the case be withdrawn.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **SECOND DIVISION**

ATTEST: William B. Jones
Chairman

E. J. McDermott
Vice-Chairman

Dated at Chicago, Illinois, this 12th day of February, 1965.