

Award No. 1797

Docket No. CL-1936

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

MIDLAND VALLEY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The carrier violated and continues to violate Clerks' Agreement by refusing to properly compensate H. A. Lewis, and

(2) That H. A. Lewis should now be paid the difference between \$4.10 per day which was paid him and rate of \$4.99 per day which he should have been paid each day he worked the Warehouseman's position, December 14, 15 and 27, 1938 and January 12, 13, 19 and 20, 1939, and that any other employee who may have worked the position subsequent to December 14, 1938, be compensated on the same basis.

FINDINGS: The Third Division of the Adjustment Board finds that:

The dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party.

No hearing thereon has been held, and under date of April 23, 1942, the complainant party addressed a formal communication to the Secretary of the Third Division withdrawing this case.

AWARD

Case dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 4th day of May, 1942.