

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
STOCK YARDS DISTRICT AGENCY, CHICAGO, ILLINOIS**

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

1. That carrier violated the Clerks' Agreement when on May 19, 20, 21, 22, 24, 25, 26, 27, 29, June 2 and Sunday, June 6, 1943, Robert Coit, Notice Clerk, rate \$5.71 per day, was required by the Head Clerk at Wood Street Office to perform the work which comprises the substance of the ordinary, normal and regular assigned duties of the position of Machine-Biller classified, listed and rated per the clerks' wage agreement at a rate of \$6.40 per day and occupied by Clerk F. L. Wilmot, and failed and refused to compensate Clerk R. Coit at the proper rate of the position and work which he performed, i. e., \$6.40 per day for all days involved including three hours' work performed Sunday, June 6, 1943.

2. That Clerk Robert Coit shall be compensated for May 19, 20, 21, 22, 24, 25, 26, 27, 29, June 2, 1943, at the rate of \$6.40 instead of \$5.71 and three hours at \$1.20 per hour, overtime rate for three hours' work performed Sunday, June 6, 1943, instead of \$1.07 per hour which he was paid or a difference of \$7.59 account required to perform the higher rated work, i. e., duties consisting of abstract and posting sheets which work at Wood Street Office requires a rate of \$6.40 per day pursuant to provisions of the Clerks' Agreement dated March 16, 1942, and the wage agreement dated Chicago, Illinois, December 15, 1941, effective December 1, 1941.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That hearing thereon has been held but not concluded. Under date of February 6, 1946, the Petitioner addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this dispute, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 8th day of February, 1945.