

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Henry J. Tilford, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE DELAWARE, LACKAWANNA & WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna & Western Railroad, that R. J. Durney, the regularly assigned agent-operator at Linwood, N. Y., who was held away from his regular position on July 29, 30, 31, 1943, to perform relief work on the 2nd trick operator position at East Buffalo, N. Y. Yard Office, on July 29 and 30, 1943, and forced to lose the day of July 31, 1943, in resuming work on his regular position at Linwood on account of the Hours of Service Act, shall, in addition to eight hours' pay at the pro rata rate of the East Buffalo Yard Office position he worked on each July 29 and 30, 1943, be paid one and one-half hours' travel time at the East Buffalo Yard Office rate going to and returning from East Buffalo Yard Office, and \$1.00 per day for expenses on each of these two days, and a day's pay at the rate of his Linwood position for the day of July 31 he lost in making the change, as provided by Rule 15-(a) of the telegraphers' agreement.

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 employes involved in this dispute are respectively carrier and employes 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 this dispute was handled in the usual manner and deadlocked. The dispute was certified to the Mediation Board who appointed Henry J. Tilford as referee to sit with the Division and make an award. The referee wrote a proposed award, but before it was acted upon the parties jointly notified the Division on March 11, 1946, of their desire to withdraw the case, 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 3rd day of April, 1946.