

Award No. 3242

Docket No. CL-3270

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

Guy A. Thompson, Trustee

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When, on Monday, June 11th and Tuesday, June 12th, 1945, the regular incumbent Clerk Dottley failed to report for duty, it "blanked" the position of Outside Yard Clerk, hours 2 AM to 10 AM, rate \$6.71 per day, at McGehee, Arkansas, which position was "necessary to the continuous operation of the Carrier" and coming within the provisions of Sunday and Holiday Rule 26—second part thereof or exception thereto, with an assigned "one regular day off duty in seven" on Thursday;

2. Clerk C. Oglesby, regularly assigned Desk Clerk at McGehee Yard Office, hours 4 PM to 12 PM, rate \$7.31 per day, who was the senior available clerk, since there was no extra or relief clerk, shall be compensated for eight hours on each of the two days, i. e., June 11th and 12th, 1945, upon the basis of time and one half time of \$6.71 per day, or \$10.06 per day—amount—\$20.12, which he claimed account Carrier's action in violation of the 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 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 May 21, 1946, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this 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 29th day of May, 1946.