

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Nashville, Chattanooga & St. Louis Railway that the Carrier violated the terms of the Mediation Agreement Case A-2070 when it required Agent F. DeBord to attend an investigation and to testify thereat as a carrier witness on his assigned day of rest, October 28, 1947, without compensation therefor instead of giving him a day of rest in accordance with the agreement; that in addition thereto the terms of the current Telegraphers' Agreement were violated when the carrier failed and refused to compensate F. DeBord for time consumed in deadheading to and from the point where the investigation was held and for expenses incurred while away from his home station; and, that

(1) F. DeBord shall be compensated for 8 hours at the rate of time and one-half for having been required to attend the investigation at Nashville, Tennessee, as a carrier witness on his (DeBord's) assigned day of rest on October 28, 1947;

(2) For deadheading to and from the point of the investigation, and

(3) For expenses incurred while away from his home station in connection with the investigation.

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 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 hearing thereon has been held and concluded. Under date of August 13, 1948, the parties jointly advised the Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 9th day of September, 1948.