

Award No. 4242  
Docket No. TE-4417

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**  
**ATLANTIC COASTLINE RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Atlantic Coast Line Railroad Company,

(1) That the Carrier violated paragraph (k) of Article 12 of the prevailing Telegraphers' Agreement when in November 1946, it failed and refused to assign Clerk-telegrapher T. V. Smith, senior qualified applicant, to the temporary vacancy in the position of supervisory agent at Fairmont, N. C.;

(2) That T. V. Smith shall be paid the difference between what he was compensated and what he would have received by the way of compensation had he not been deprived of filling the position of supervisory agent at Fairmont, N. C., for which position he applied and to which he was entitled as qualified senior applicant, for a period November 10, 1946, until March 31, 1947; and

(3) That in addition thereto claimant shall be compensated for the loss of express commissioners which would have accrued to him during the period he would have served as agent at Fairmont, N. C., had the Carrier made such assignment.

**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; and

That no hearing thereon has been held and under date of December 14, 1948, the complainant party addressed a formal communication to the Acting Secretary of the Third Division withdrawing this case, 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 20th day of December, 1948.