

Award No. 4255
Docket No. CL-4479

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, that:

1. Carrier violated provisions of agreement with the Brotherhood, effective January 15, 1947, when on or about August 1, 1947 it abolished a position, subject to ALL (emphasis supplied) rules of the aforesaid agreement, classified as Reclaim Clerk—Car Service Department, rate \$276.50 per month, and created as a substitute therefor position of Chief Clerk—Car Service Agent, rate \$310.00 per month, in violation of rules of the aforesaid agreement, particularly Rule 38 (b) thereof, reading:

"RULE 38—NEW POSITIONS AND RATES DISCONTINUED—

(b) Established positions shall not be discontinued and new ones created under a different title covering relatively the same class of work for the purpose of reducing the rate of pay or **evading the application of these rules.**" (Emphasis supplied.)

2. That position of Reclaim Clerk—Car Service Department, rate \$276.50 be restored as it was prior to the change made by Management as set forth in paragraph number 1.

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 27, 1948, the complainant party addressed a formal communication to the Acting 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: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 5th day of January, 1949.