

Award No. 4401
Docket No. CL-4647

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

**CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the Clerks' Agreement:

(1) When on January 7, 1946 and subsequent dates for various periods it removed from Yard Clerk's work at the East Yard, Sioux City, Iowa, from the scope and application of the Clerks' Agreement and required its performance by employees not covered thereby, and

(2) That such yard clerical work be restored to employees having seniority rights to its performance and for whose benefit the agreement was made, and

(3) That employees F. L. Woestman, J. H. Warnke, A. J. Broome and A. X. McCabe employed as Yard Clerks at East Yard, Sioux City, Iowa, be compensated at the penalty rate for seven (7) hours each day divided proportionately among the employees available for each day subsequent to January 7, 1946 on which employees not covered by the Clerks' Agreement performed yard clerk's work between the hours of 4:30 P. M. and 11:30 P. M. as per statement showing in detail the time due each employe, furnished the Carrier and attached hereto as Employees' Exhibit A.

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 the complainant party; and

That no hearing thereon has been held, and under date of May 16, 1949, 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 25th day of May, 1949.