

Award No. 4588

Docket No. TE-4810

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE DELAWARE, LACKAWANNA & WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna and Western Railroad Company that:

(a) The Carrier violated the provisions of the Telegraphers' Agreement when it required and/or permitted a non-schedule employe to copy and handle a track car line-up at Kingsley, Pennsylvania, on April 29, 30, May 1, 3, 4, 6, 8, 11, 13 and 14, 1948, prior to the starting time of A. J. Masters, the regularly assigned agent-operator at Kingsley, Pennsylvania.

(b) Because of these violations the Carrier shall now pay Agent-Operator A. J. Masters, under Article 5(a) of the Telegraphers' Agreement, a "call" for each date listed above.

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 October 10, 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.

A W A R D

Case dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: A. I. Tummon
Acting Secretary**

Dated at Chicago, Illinois, this 17th day of October, 1949.

[952]