

Award No. 5083

Docket No. CL-5241

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**PARTIES TO DISPUTE:**

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

**THE PITTSBURGH & WEST VIRGINIA RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Board of Adjustment No. 245, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, that the Management of The Pittsburgh & West Virginia Railway Company:

A. Did on and after December 10, 1949 violate the purposes and intent of Rule 11, Section (a) captioned "Meal Period and Length Of" of Agreement between the Brotherhood and Carrier effective March 1, 1944 and, that

B. The involved employees of the Carrier, namely Charles Wurshum, Weighmaster-Clerk, Hopedale, Ohio and Mr. N. Dragan, Clerk at Connellsville, Pennsylvania, be additionally compensated for one hour each day at overtime rate effective December 10, 1949 and continuing thereafter each day (work day) that the employees were not afforded a designated meal period of one hour between the end of the fourth and beginning of the seventh hour after starting time of the day's work.

**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 employee 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 the complainant party; and

That hearing thereon has been held but not concluded. Under date of October 23, 1950, the complainant party addressed a formal communication to the Acting Secretary of the Third Division requesting withdrawal of 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 26th day of October, 1950.