

Award No. 5143

Docket No. CL-5346

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

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

THE OGDEN UNION RAILWAY AND DEPOT COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that the Ogden Union Railway and Depot Company and/or its officers violated the terms of the existing agreement:

- (a) By failing or refusing to compensate Mr. F. H. Swauger at the proper overtime rate for November 17, 18, 19, 20 and 24, 1948; and
- (b) The company shall now compensate Mr. F. H. Swauger for 8 hours on November 17th and 18th at punitive manifest clerk rate, for 8 hours on November 19th and 20th at punitive yard clerk rate and for 8 hours on November 24th at punitive chief crew dispatcher rate, less store helper rate of \$9.20 on each date named.

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 November 30, 1950, 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 13th day of December, 1950.