

Award No. 5598
Docket No. TE- 5939

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Kansas City Southern Railway, that:

1. The Carrier violated the terms of the agreement between the parties when on July 3, 10, 17, 22, 24, and 31, 1950, it permitted or required persons not covered by the Rules of the Agreement to perform communications of record service at Lake Charles, Louisiana at a time when the telegrapher-clerk was off duty but available; and,
2. as a result of these violative acts the Carrier shall now compensate the incumbent of the telegrapher-clerk position, J. Y. Lynch in accordance with the applicable rules of the Agreement on each of the dates listed in Part 1 of this claim.

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 10, 1951, 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 20th day of December, 1951.