

Award No. 5814
Docket No. CL-5880

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

**THE CHESAPEAKE AND OHIO RAILROAD COMPANY
PERE MARQUETTE DISTRICT**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Agreement governing hours of service and working conditions between the parties, effective August 1, 1947, and Supplemental Agreement of September 1, 1949, were violated by the Carrier at Ludington, Michigan on October 16, 1949, and subsequent dates when it assigned work necessary to be performed on unassigned days to regular employees who were not entitled to the work under existing Agreements, and

That Yard Clerk Rudy Rogalke, who is assigned to perform the work five days per week, shall be compensated for all wage loss because of this violation at the rate of time and one-half his regular rate of pay, \$11.67 per day, for the hours shown on the following dates:

Sunday, October 16, 1949.....	5 hours and 20 minutes
Sunday, October 23, 1949.....	5 hours and 20 minutes
Sunday, January 22, 1950.....	8 hours
Sunday, January 29, 1950.....	5 hours and 20 minutes
Sunday, February 26, 1950.....	5 hours and 20 minutes
Saturday, January 21, 1950.....	7 hours
Saturday, January 28, 1950.....	2 hours and 50 minutes
Saturday, February 4, 1950.....	3 hours and 50 minutes
Saturday, February 11, 1950.....	3 hours and 50 minutes
Saturday, February 18, 1950.....	4 hours
Saturday, February 25, 1950.....	4 hours
Saturday, March 4, 1950.....	4 hours

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 Employees 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 and concluded. Under dates of June 9 and 16, 1952, the parties advised the Acting Secretary of the Third Division of their desire to withdraw 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: (Sgd.) A. Ivan Tummon
Acting Secretary

Dated at Chicago, Illinois, this 24th day of June, 1952.