

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

**MISSOURI PACIFIC RAILROAD COMPANY
(Guy A. Thompson, Trustee)**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad that the Carrier violated the Clerks' Agreement:

1. When, on January 14, 1952, at Lincoln, Nebraska, it utilized employees of another class of service and outside of the Clerks' Agreement and who were subject to the Agreement of another craft, namely, section men, to perform the freight handling work of loading less carload shipment of shipments of metal cattle guards or gates from the local freight warehouse platform to a car or cars and failed and refused to utilize employees covered by the Clerks' Agreement who held seniority rights thereunder, entitling them to perform the work;
2. Account of Carrier's violation of Scope Rule 1 and related rules and the Warehouse Agreement dated July 8, 1942, Claimant H. F. Brown shall be paid a "call" of 2 hours at trucker's punitive rate of \$2.385 per hour, amount \$4.77.

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 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 date of April 7, 1953 the parties jointly advised the Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division, which request is hereby granted.

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AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 30th day of April, 1953.