

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION
THE AKRON, CANTON & YOUNGSTOWN
RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The Akron, Canton & Youngstown Railroad Company, hereinafter referred to as "the Carrier," failed to comply with the provisions of Article 9(e) of the currently effective Agreement between the parties to this dispute when it failed and refused to pay to Train Dispatcher M. A. Kilgore of its Akron, Ohio train dispatching office, one day's pay each for time lost on Saturday, September 26, Sunday, September 27, and Monday, September 28, 1953, when at the direction of the Carrier, he was used to perform service on a position to which he was not assigned and thereby caused to lose the opportunity to perform service on the time of his regularly assigned position.

(b) The Carrier shall now pay to Train Dispatcher M. A. Kilgore the one day's pay each at trick train dispatcher pro rata or straight-time rate for September 26, 27, and 28, 1953, to which he is entitled under the provisions of Article 9(e).

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 complainant party; and

That hearing thereon has been held and concluded. Under dates of March 22 and March 23, 1954 the parties addressed a formal communication to the 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: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 24th day of March, 1954.