

Award No. 6838
Docket No. TE-6681

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

**ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY OF TEXAS**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the St. Louis Southwestern Railway; St. Louis Southwestern Railway of Texas, that the Carrier violated the Scope and other rules of the prevailing Telegraphers' Agreement:

(a) When and because, during the period September 1, 1949 to January 12, 1953, it failed or refused to establish a regular relief assignment to cover the rest day each week on the McGregor, Texas, six-day agency position; or, to use an extra employe; or, to permit the regular occupant thereof to fill his position on such rest day, but, instead required said occupant to suspend work during regular hours, while it turned the station, duties and responsibilities of agent, over to an employe of another craft holding no seniority or other rights under the Telegraphers' Agreement, to be handled by him in the name of the absent agent on each Saturday rest day of the agent, commencing with Saturday, September 3, 1949, and on each succeeding Saturday thereafter until and including January 12, 1953; after which latter date it established a relief position and assigned an employe under the Telegraphers' Agreement to cover the one rest day each week on this six-day agency position, as required by the Agreement; and

(b) In consequence of Carrier's action in thus violating the terms of the Agreement, the occupant of the McGregor agency position, who had a prior right to fill his position under the circumstances, and who was available to fill it, shall be reimbursed an amount equal to a day's (eight hours) pay at time and one-half rate—the exact amount he lost—for each of the 176 Saturday rest days on which he was required to suspend work while the Carrier turned the operation of the station over to an employe of another craft or class."

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 hearing thereon has been held and concluded. Under date of December 10, 1954, the parties jointly 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 19th day of January, 1955.