

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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PARTIES TO DISPUTE:

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

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD  
COMPANY

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that the Carrier violates the rules of the Clerks' Agreement at Scranton, Pa., when during the week of November 16, 1953, the Carrier arbitrarily established a seven (7) day operation at its freight transfer platform when no seven (7) day operation was in effect there prior to September 1, 1949, and that Employees:

M. Condon	M. Chipak	M. Miele	J. Pendolf
C. Stanton	A. Wesneski	G. Fedorka	T. Vesey
A. Kowalski	T. Sager	N. Fortuno	A. Cameniti
M. Rockwell	G. Fletcher	J. Pelak	E. T. Stevens
M. Conniff	J. Loughney	J. McDonald	G. Schneider
J. Dunn	M. Bohan	R. Stanton	F. Manzene
T. Newberry	J. Weis	J. Shea	J. McCarthy
N. O. Butler	J. Harrington	John Malakin	Ursel Underdown
Peter McGough	John Jacobe	Palmer Williams	Thos. McMullen
J. Shields	J. Melesky	B. Cherry	O. Langan
R. Hare	G. Adams	J. Garrity	S. Ferrett
F. Ferrari	A. Cleave	H. Farkaly	G. Comparoni
J. Covage	E. Shevock	J. Karanasky	W. Craston
H. Labowsky	D. Russell	J. Dippre	B. Pallich
M. Burke	G. Gubboti	L. Bennett	A. Mezzomo
F. Joyce	A. Sederowicz	S. Koziol	M. Cavanaugh
J. Visoskas	A. Cimoch	T. Morrison	C. Tullic
W. Martin	L. Lord	J. McGuigan	Thos. O'Malley
Edison Phillips	L. Kubiss	P. J. Clifford	W. Spathelf
S. R. Ford	C. Burkhart	J. P. Manley	A. Pawlowski
R. Murray	W. Stanton	J. Rosky	D. Leepier

and or their successors who are required to perform services on Saturday and Sunday or Sunday and Monday, effective November 16, 1953, and each subsequent date thereafter, shall be paid time and one-half for such service, and,

That such Employees who are required to work Saturday and Sunday or Sunday and Monday shall be allowed an additional day at pro rata rate of position worked for each day off duty other than Saturday and Sunday or

Sunday and Monday, from November 16, 1953 and each succeeding week thereafter until the condition is corrected.

That any and all employes adversely affected shall be paid in accordance with the preceding paragraph from November 16, 1953—until such time as the violation complained of has been corrected.

**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 no hearing thereon has been held, and under date of April 8, 1955, the complainant party addressed a formal communication to the 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: (Sgd.) A. Ivan Tummon  
Secretary

Dated at Chicago, Illinois, this 17th day of June, 1955.