

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

RUTLAND RAILWAY CORPORATION

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Rutland Railway, that:

1. The Carrier violated the terms of the Agreement between the parties signatory thereto when on July 16 and 23; August 5, 6, and 12; September 9, 16 and 23; October 7, 14 and 23; November 3, 4, 10, 11, 17, 18, 24 and 25; December 1, 2, 8, 9, 15, 16, 22, 23, 29 and 30, 1951 and January 5, 6, 12 and 13, 1952, rest days of claimant, it required or permitted the agent at Malone, New York, an employee not covered by the Agreement, to issue waybills for carloads of milk shipped from Malone, New York; and

2. Carrier violated the terms of the Agreement between the parties signatory thereto when on March 22 and 29, 1952, rest days of claimant, it required or permitted the agent at Malone, New York, an employee not covered by the Agreement, to issue freight bills for shipments received at Malone, New York; and

3. The Carrier violated said Agreement when on February 2, 3, 9, 10, 16, 17 and March 8, 9, 15, 16, 1952 and on a continuing basis, each date to be ascertained by a joint check of the Carrier's records, it required or permitted train conductors, employees not covered by said Agreement, to issue waybills, handle bills of lading and issue freight receipts on shipments from Malone, New York; and

4. Carrier shall now be required to pay Clerk-Operator N. C. Maneely, regularly assigned Malone, New York, a call for each date upon which he was denied the right to perform said work; and

5. Any other employee under the Agreement occupying the position of Clerk-Operator at Malone, New York, commencing March 22, 1952, who was entitled to perform the work in dispute will be paid a call for each date upon which he was denied the right to perform said work. The individual employee herein designated to be determined by a joint check of the Carrier's records.

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 June 27, 1956, 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

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 11th day of July, 1956.