

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

**THE DENVER AND RIO GRANDE WESTERN RAILROAD
COMPANY**

STATEMENT OF CLAIM: *Claim of the System Committee of the Brotherhood that:*

(1) The Clerks' Agreement was violated and continued to be violated when the Carrier assigned or permitted the Agent at Minturn, Colorado, who does not come under the provisions of the Clerks' Agreement, to perform work that rightfully belongs to employees covered by the Clerks' Agreement.

(2) Mr. John J. Wedding shall be compensated for forty-four hours and thirty-five minutes at the rate of time and one-half for the period April 18, 1953 to October 7, 1953, account Carrier's action in violation of rules of our Agreement.

(3) Mr. Gary T. Willingham shall be compensated for fourteen hours and thirty minutes at the rate of time and one-half for the period April 23, 1953 to October 13, 1953, account Carrier's action in violation of rules of our Agreement.

(4) Mr. John J. Wedding or Mr. Gary T. Willingham be compensated at the rate of time and one-half for each day subsequent to dates above stated that similar violations occurred until April 11, 1954.

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 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 October 24, 1956, 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.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of November, 1956.