

**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 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 continues to be violated when employes of the Maintenance of Way Department, i.e., Messrs. Harris Williams and Les Engels are required or permitted to operate cranes in the scrap yard of the Store Department at Pueblo, Colorado, such work being properly under the scope of the Clerks' Agreement which employes holding seniority rights thereunder are entitled to perform.

(2) Mr. Frank Hassey and Mr. Jerry Lopez shall be paid a day's pay for each day when employes of the Maintenance of Way Department, holding no rights to work under the Clerks' Agreement, have been used to perform the work of operating cranes in handling of Store Department work. Payment to be retroactive for all time of record when the Maintenance of Way employes cited in Item (1) above, or others holding no rights to the work involved, have been used, from June 29, 1953, until this practice is corrected.

**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 employes involved in this dispute are respectively carrier and employes 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.