

Award No. 7456

Docket No. CL-8834

**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 Carrier violated rules of the current Agreement with the Brotherhood of Railway Clerks on May 23, 24, 25 and 26, 1955, when it arbitrarily removed Messrs. J. F. Jamieson, Jr. and P. R. Dimitroff, Helpers, Burnham Store Department, from their regularly assigned positions and instructed them to perform laborers' work on platform with regularly assigned laborers under the direction of Mr. Albert Huft.

(2) The Carrier also violated rules of the current Agreement with the Brotherhood of Railway Clerks on May 25 and 27, 1955, when it arbitrarily removed Messrs. C. O. Jamieson, W. R. Fouts, W. M. Chindgren and Edward Ramey from their assigned Group 1 positions and instructed them to perform the Group 2 work of Helpers J. F. Jamieson, Jr. and P. R. Dimitroff, which had been permitted to accumulate due to the illegal transfer of these two men to other work as outlined in (1) above.

(3) The Carrier shall now compensate Messrs. J. F. Jamieson, Jr. and P. R. Dimitroff for an additional four days' pay at their assigned rate of Helper for May 23, 24, 25 and 26, 1955, because of its refusal to allow them to perform the work on their regular assignments on these dates.

(4) The Carrier shall now compensate Messrs. C. O. Jamieson, W. R. Fouts, W. M. Chindgren and Edward Ramey for an additional six hours' pay at their assigned rates for May 25, 1955, because of its refusal to allow them to perform the work on their regular assignments on these dates.

(5) The Carrier shall compensate Messrs. C. O. Jamieson, W. R. Fouts and W. M. Chindgren for an additional eight hours' pay at their assigned rates for May 27, 1955, because of its refusal to allow them to perform the work on their regular assignments on this date.

(6) The Carrier shall also compensate Messrs. D. L. Ruble, Edward Crosswhite, Sr. and Alfred Quintana, senior furloughed employees at Burnham Store for eight hours each at pro rata rate of Helpers for May 25 and 27, 1955, because of Carrier's action in using Group 1 employees to perform work assigned to Group 2 employees on these dates.

**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 October 24, 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**

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.