

Award No. 7561

Docket No. CL-7696

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When, on January 28, 1955, following formal investigation held on January 27, 1955, the Division Superintendent, St. Louis Terminal Division, unjustly discharged from the service of the Company Clerk B. M. Thompson, occupant of position of Junction Clerk, rate \$14.96 per day, Dupu, Illinois Terminal seniority date, Class "B", February 21, 1942, Class "A", April 7, 1942, and refused and continued to refuse to return Clerk Thompson to service with seniority rights unimpaired and with pay for all wage loss suffered;

2. The Carrier shall be directed to reinstate Clerk Thompson with seniority rights unimpaired and compensate him for all wage loss suffered from the date he was removed from his position, January 28, 1955 at the close of duty, 3 P. M., until the date he is returned to work, account Carrier's action in violation of the Clerks' Agreement, Rule 18 (a) and (k).

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 the Carrier and the 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 complainant party; and

That hearing thereon has been held and concluded. Under date of November 16, 1956, the parties jointly addressed a formal communication to the

Secretary of the Third Division, requesting withdrawal of 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 12th day of December, 1956.