

Award No. 7569

Docket No. CL-8108

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 June 7, 1955, the Carrier assigned Donald Lingner, with a seniority date of January 28, 1954, to position of Machine Operator-Clerk (Job 23) in the Auditor Disbursements Section of the Special Auditor's Office, and failed and refused to assign a senior Clerk, Marvin R. Davis, seniority date, February 17, 1953, to such position to which he was justly entitled under the provisions of Promotion Rule 4 and Qualifications Rule 7 of the Clerks' Agreement;

2. The Carrier be directed by appropriate order of the Third Division of the National Railroad Adjustment Board; to place Clerk Marvin R. Davis upon the position which he sought and compensate him for wage loss suffered in amount of \$1.14 per day, each work day, beginning June 7, 1955, until the dispute is disposed of and the claims satisfied.

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.