

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, effective on or about February 1, 1955, it required the Claim Clerk, Mr. G. S. Titsworth at Fort Smith, Arkansas, rate \$14.48 per day, assigned hours 11 A. M.-7 P. M., Monday through Friday, to suspend work during his regularly assigned hours from the position of Claim Clerk and take over and perform the duty of a Bill Clerk, an established position, rate \$14.96 per day, 11 A. M. to 7 P. M., Monday through Friday and assume the fulfillment of the duties and responsibilities of the Bill Clerk position for the period, each day, as shown in our Claim Statement, attached hereto and made a part hereof, February, 1955 to August, 1955, both months inclusive, and failed and refused and continued to refuse to adjust the rate to a level with Bill Clerk's rate—\$14.96 per day, on such days, in violation of the intent and purpose of a proper application of the Preservation of Rates Rule 31 (c) of the Clerks' Agreement;

2. Claim Clerk G. S. Titsworth shall be paid for the difference in the rate of Claim Clerk, \$14.48 per day and Bill Clerk, \$14.96 per day, or 48¢ per day, for each day the Claim Clerk was required to perform Bill Clerk work, beginning February 14, 1955, such claims to continue subsequent to the last day of August, 1955, each day that the Claim Clerk was required to perform Bill Clerk work, until the dispute is disposed of and the claim satisfied.

CLAIM STATEMENT

(Not copied)

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.