

Award No. 7573
Docket No. CL-8997

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

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 Saturday, January 28 and Saturday, March 24, 1956, the Carrier utilized Chief Accountant J. P. Carroll, seniority date of July 13, 1918, Auditor Station Accounts office, to work on **authorized overtime** and failed and refused to utilize Clerk L. G. Echelmeyer, the incumbent of the work, whose seniority date is June 18, 1947 (1), and who was qualified and was justly entitled to perform the work and be paid for same;

2. Clerk L. G. Echelmeyer shall be reimbursed for the wage loss he was forced to sustain, amounting to \$50.16, account Carrier's violation of Agreement, Rule 25 (b).

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 November 16, 1956, 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 12th day of December, 1956.