

Award No. 7602

Docket No. TD-8941

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

WABASH RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The Wabash Railroad Company, hereinafter referred to as the "Carrier" acted contrary to the wording and intent of the rules of the schedule Agreement between the parties, particularly Section (a) of Article 3, effective September 1, 1949, when on Wednesday, December 21, and Thursday, December 22, 1955, it used Mr. G. K. Harris, regularly assigned train dispatcher to work the second trick Night Chief Dispatcher position in its Decatur, Illinois office on the two rest days assigned to regularly assigned position, at straight time rate of pay, and

(b) The Carrier shall now compensate Train Dispatcher G. K. Harris an amount representing the difference between what he was paid and what he would have received if he had been properly compensated at rate of time and one-half for service performed on his two rest days as specified in above paragraph (a) of this claim.

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, and

That hearing thereon has been held but not concluded. Under date of December 11, 1956 complainant party 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 16th day of January, 1957.