

Award No. 7605

Docket No. TD-9074

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", violated and continues to violate the provisions of the Agreement between the parties, particularly Section (b), Article 1 thereof, when it authorized and permitted persons not covered by the scope of the train dispatchers' Agreement to begin directing the movements of trains between Berkley and Ferguson, Missouri.

(b) This is a continuing violation, and the Carrier shall now pay to each of the following named train dispatchers a minimum day's pay at trick train dispatcher rate of pay on each of the days set forth herein:

R. H. Richardson, February 11, March 8, 19, 21, 25, 26, 29, April 2, 3, 4, 5 and 10, 1956;

J. B. Frazier, March 12 and 13, 1956;

P. E. Stitt, March 15, and April 12, 1956;

and all train dispatchers in the Moberly, Missouri office of the Carrier adversely affected by continuing violations on each such day subsequent to April 12, 1956, until said violation is discontinued.

(c) A joint check of the Carrier's records shall be made by the Carrier and the General Chairman of the American Train Dispatchers Association to determine the individuals entitled to payments for the period subsequent to April 12, 1956.

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 complainant party; and

That no hearing thereon has been held, and under date of December 19, 1956 the complainant party addressed a formal communication to the

Secretary of the Third Division withdrawing 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 16th day of January, 1957.