

Award No. 7619
Docket No. CL-8334

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
LEHIGH AND NEW ENGLAND RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the rules of the Clerical Agreement:

1. When on July 7, 1954, a notice was posted, stating position of Foreman (incumbent Harry Smyrl) would be abolished, effective with the tour of duty ending 3:30 P. M., E.S.T., July 15, 1954.

2. That Harry Smyrl, incumbent of position of Freight Foreman, prior to July 16, 1954, and all other employes displaced and adversely affected, namely: Clyde Beury, Joseph Herd, Jr., Lester Dyson, be compensated for all monetary loss due to the improper actions of the Carrier as stated in Claim No. 1, and such monetary claim to continue until the position of Foreman is re-established.

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 carrier and employes involved in this dispute are respectively carrier and employes 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 the complainant party; and

That hearing thereon has been held and concluded. Under date of December 19, 1956, the parties jointly advised the Secretary of the Third Division of their desire to withdraw 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 18th day of January, 1957.