

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

---

**PARTIES TO DISPUTE:**

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

**THE BALTIMORE AND OHIO RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that:

(1) Carrier violated the Scope Rule and other Rules of the Clerk's Agreement when it contracted with the Railroad Perishable Inspection Agency to inspect damaged goods at the Great Atlantic & Pacific Tea Company warehouse at Fairmont, W. Va., and

(2) That unassigned employee James W. McKinney and any other person or persons who have been denied full use of their seniority account failure to establish a Group 1 position at the Fairmont Freight Office shall now be compensated for one day's pay each date beginning with August 5, 1954 and continuing until the contested work is returned to the scope and application of the Clerks' Agreement.

**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 March 12, 1957, 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 15th day of May, 1957.