

Award No. 7894

Docket No. CL-8905

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:

(a) Carrier violated the Agreement between Participating Eastern, Western, and Southeastern Carriers and Employees represented by the Fifteen Cooperating Railway Labor Organizations signatory thereto, signed at Chicago, Illinois, on August 21, 1954, when it failed to comply with the provisions of Article V, Section 1(a) of said agreement, in that claim was not denied within the 60 day period provided therein, and

(b) That Mrs. Evelyn Pitzer now be paid at the pro rata rate for December 30 and 31, 1954, account furloughed employee being used to fill position 68-2-117, such furloughed employee not having properly registered in accordance with the provisions of Article IV, Section 2, of the August 21, 1954 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.