

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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**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 Rules Agreement effective July 1, 1921 (as revised to and including June 1, 1953), particularly the Scope Rule, at the Freight Station, Philippi, West Virginia, when it abolished Station Clerk Position No. 68-1-606 on January 10, 1955 and reassigned the remaining work to the Agent, and

(b) That D. N. McCauley, regular incumbent of Position No. 68-1-606, Station Clerk, and/or other in interest, be reimbursed for one day's pay on January 10, 1955, and subsequent dates that the violation continued and further

(c) Claim to run until the condition is corrected by Carrier returning the disputed work and assignment thereof to employees covered by 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.