

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the Agreement between the parties effective June 23, 1922, as subsequently revised, when:

(A) On May 5th, May 6th, May 7th, May 12th, May 13th, May 19th, May 26th, June 2nd, June 3rd, June 9th, June 16th, June 30th, July 8th, July 14th, July 19th, July 21st, July 23rd and July 28th, 1954, the Carrier required— R. Lustfeldt, M. L. Lustfeldt, E. Michaelson, W. Hnatusko, E. Parenti and A. McMullen, employed as Clerks at Markham Yard, to suspend work on their regular positions, and perform work on refrigerator cars such as adjusting vents, plugs and handling of heaters, etc., on cars loaded with bananas, and failed and refused to call R. Norberg, L. Crocker, D. E. Woolever, D. L. Wilson, and D. Waters, who were off duty and available to perform that class of work, and

(B) That Carrier shall now be required to pay Messrs. R. Lustfeldt, M. L. Lustfeldt, E. Michaelson, W. Hnatusko, E. Parenti and A. McMullen, in addition to compensation already paid, an additional sum at pro rata rate of their respective positions, for the number of hours that each of said claimants were required to suspend work on their regular positions on the dates enumerated above, and

(C) That the Carrier shall now be required to pay Messrs. R. Norberg, L. Crocker, D. E. Woolever, D. L. Wilson, and D. Waters, in addition to compensation already paid, an additional sum at penalty rate of their respective positions, (on a call basis) account of Carrier's failure and refusal to call above named claimants for adjusting of vents, plugs, and handling of heaters, etc., on refrigerator cars loaded with bananas on dates enumerated above.

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 May 10, 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 23rd day of May, 1957.