

Award No. 8170

Docket No. TE-9758

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD  
COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Chicago, Milwaukee, St. Paul and Pacific Railroad, that:

1. Carrier violated the agreement between the parties when at Melbourne, Iowa on July 9, 1956 it required or permitted Track Foreman L. Pauli, an employe not covered by the Agreement, to secure a train lineup direct from the train dispatcher at a time when the Agent-Telegrapher was off duty.
2. Carrier shall compensate J. R. Kerkove, Agent-Telegrapher, Melbourne, Iowa, for a minimum call of two hours at the time and one-half rate.

**FINDINGS:** The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That no hearing thereon has been held, and under date of December 6, 1957, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

**AWARD**

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION**

**ATTEST: A. Ivan Tummon  
Executive Secretary**

Dated at Chicago, Illinois, this 16th day of December, 1957.