

Award No. 8239

Docket No. CL-8857

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:

1. The Carrier violated the Clerks' Agreement at McComb, Mississippi, beginning April 1, 1953, when on or about March 31, 1953, it abolished position of Warehouse Foreman, paying \$307.92 per month on date of abolishment, and concurrently therewith established a position of Warehouse Clerk paying a basic rate of \$12.48 per day (which at that time the rate was subject to Cost-of-Living Adjustment), and

2. Claim that the Carrier be required to increase the rate of pay attaching to said Warehouse Clerk's position at McComb, Mississippi, in the amount of \$1.03 per day (exclusive of any general pay increases that have been granted in the interim by virtue of agreements reached by overall national handlings), and

3. Claim that R. M. Wilson, and/or any other employe involved in or affected by the agreement violation, be reimbursed in the amount of \$1.03 per day from April 1, 1953, until the violation is corrected by the proper adjustment in the rate of pay attaching to said Warehouse Clerk's position at McComb, Mississippi.

NOTE: Proper reparation due to be determined by joint check of Carrier's payrolls, time book records, etc.

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 Employes involved in this dispute are respectively Carrier and Employes 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 February 4, 1958, 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 12th day of February, 1958.