

Award No. 8251

Docket No. CL-9809

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:

(a) Carrier violated the Clerks' Agreement when on March 29, 1956, it failed and refused to assign Mrs. E. M. Groseclose to position No. 118, clerk, Johnston Yard, Memphis, Tennessee.

(b) Mrs. E. M. Groseclose be compensated for wage losses sustained representing a day's pay at pro rata rate (\$15.25) for each day she did not work from March 29, 1956 and forward to May 18, 1956, the date senior clerk exercised displacement rights to position 118. Wage losses also representing the difference between the rates of the position she filled and the rate of the position she should have filled. (Position 118 pro rata rate \$15.25 per day.)

(c) W. K. Rowe, R. D. Moore, Mrs. C. L. Perry, Mrs. H. J. Richardson, Mrs. A. L. Keenum and L. W. Lawrence be compensated for all wage losses sustained representing a day's pay at the pro rata rate of the position they would have filled had Mrs. Groseclose been assigned Position 118 as required under the agreement rules; wage losses also representing difference in rates of pay for the above-named employees.

NOTE: Reparation to be determined by joint check of the Carrier's payroll and other records.

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 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.