

Award No. 8295

Docket No. CL-9908

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier has violated and continues to violate the rules of the Clerks' Agreement by requiring and/or permitting employes in the General Agent's Office in San Francisco, working out of Seniority District No. 12, to sign, pick up and deliver bills of lading for carload shipments originating at Oakland, and

(b) All work involved in signing and picking up bills of lading at San Francisco and Oakland be properly assigned to employes holding seniority in District 18, and

(c) As a penalty for the rules violation, L. E. Ennis, Industry Clerk at Oakland Freight Station, Oakland, California, be paid a minimum time allowance of a "call", or two hours, at overtime rate for each date the rules were violated beginning on March 14, 1956, until corrected; reparation to be determined by joint check of Carrier's 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 employe involved in this dispute are respectively carrier and employe 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 the complainant party; and

That hearing thereon was waived by the parties and under date of March 25, 1958 the complainant party 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 28th day of March, 1958.