

Award No. 8348
Docket No. CL-8867

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When on Monday, September 6, 1954, a holiday, Clerk Lucille J. Detter was away on her scheduled vacation, and this holiday was excluded as one of her ten vacation days, and when the Chicago Agreement of August 21, 1954 became effective Mrs. Detter was entitled to pay for Monday, September 6, 1954, under Article II—Holidays, Section 1 of the Chicago Agreement, but the Carrier refused the ten days vacation as scheduled and cancelled one days vacation and applied that day against the holiday September 6, 1954.

2. Since the vacation scheduled was prepared late in 1953 or early in 1954, before the August 21, 1954 Chicago Agreement was in existence, and the claimant took the vacation dates assigned to her as scheduled and in good faith, therefore, the Carrier shall be required to pay Mrs. Detter for one day, September 8, 1954, as Checking Clerk at the rate of \$14.66 per day, which it declined to do in violation of the Agreement of August 21, 1954.

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 Employee involved in this dispute are respectively carrier and employee 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 19, 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 5th day of June, 1958.