

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 Employes on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When on Monday, September 5, 1955, holiday, an unassigned day for Clerks subject to the application of the Agreement to work, the Carrier, following notice or call given regularly assigned Receiving—Check Clerks B. Staelens, J. McNamee, Carmen Roy and T. V. O'Brien at Seventh Street, 8 AM-12 Noon; 1 PM to 5 PM, to report for work on their regular positions at 8 AM and work their regular hours on other days at Seventh Street, instructed these Clerks, immediately after they reported for work at Seventh Street Station, to go to Main and Gratiot Streets, several city blocks distance away from Seventh Street Station, and work as Receiving—Check Clerks, which they did until 12 Noon, when they were returned to Seventh Street where they worked, 1 PM until 5 PM.

2. Senior Clerks J. Tritschler, J. S. Parsons, H. C. Jarrett and J. J. Murray, regularly assigned at Miller Street Station (same roster and seniority district) each shall be compensated for four hours at punitive hourly rate of \$2.715 per hour, or \$10.86, which they claimed they were entitled to by virtue of their seniority rights, when the Carrier transferred the four junior Clerks as in "1" hereof to Gratiot Street on an unassigned day, to perform work that was authorized overtime.

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 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.