

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 Edna S. Thompson was away on a part of her scheduled vacation and the Carrier deducted one of her remaining vacation days due her under Article I, Section (c) of the Chicago Agreement signed August 21, 1954 effective with the calendar year of 1954, on the grounds that Clerk Thompson was paid for the holiday, September 6, 1954, and since she had already had eleven paid vacation days there were only four vacation days due her.

2. Since the vacation schedule was prepared late in 1953 or early in 1954, before the August 21, 1954 Chicago Agreement was in existence, the Carrier is not privileged to deduct a vacation day in order to equalize for a paid holiday to this Claimant, which occurred on September 6, 1954, and therefore the Carrier shall be required to pay Mrs. Thompson for one vacation day for 1954 at the rate of an Exchange Clerk \$16.54 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.