

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 System Committee of the Brotherhood that:*

(1) Carrier violated the Clerks' Agreement when it failed and refused and continued to refuse to compensate Baggageman L. V. Roddy, Newport, Arkansas, in accordance with the provisions of Article 7 (a) of the National Vacation Agreement signed at Chicago, Illinois, December 17, 1941, at the punitive rate for the holiday, Thursday, July 4, 1957, in addition to the pro rata day paid as a day of vacation, when he was on vacation and his position was filled.

(2) That the Carrier shall be required to pay Baggageman Roddy a punitive day's pay, amount \$21.87 for the holiday, July 4, 1957, account Carrier's failure to properly apply the Agreement.

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.