

Award No. 8440
Docket No. CL-10179

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

STATEMENT OF CLAIM:

CLAIM I

Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the terms of the currently effective Agreement between the parties when on November 15, 1956, it refused to permit George Largente to fill a short Group 3 vacancy in line with his seniority; and when on November 19, 1956, it refused to permit Clarence Jackson to fill a short Group 3 vacancy in line with his Group 3 seniority.

(2) George Largente shall now be paid the difference between the rate of a Janitor, \$14.96 per day, and the rate of a Stowman, \$1.93 per hour, or \$15.44 per day, for November 15, and all succeeding dates on which he was not used in line with his seniority.

(3) Clarence Jackson now be paid the difference between the rate of the Ticket Filer, \$13.64 per day, and the rate of a Stowman, \$1.93 per hour, or \$15.44 per day, for November 19, and all succeeding dates on which he was not permitted to fill short temporary vacancies on Stowman position in line with his Group 3 seniority.

CLAIM II

(1) The Carrier violated the terms of the currently effective Agreement when it refused to call W. E. Barnett to fill short temporary vacancies in Group 2 on January 23, 1957, in line with his service seniority and terms of the currently effective Agreement, and when it failed to call Fred Jaudes to fill temporary short vacancies in Group 2 in line with his service seniority and terms of the currently effective Agreement.

(2) W. E. Barnett now be allowed one day's pay at the Janitor rate, \$14.96 per day, for January 23, 1957, account this violation.

(3) Fred Jaudes now be allowed one day's pay at the Janitor rate, \$14.96 per day, for each date, February 12 through 16, 1957, inclusive.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the carrier and 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 the complainant party; and

That hearing thereon was waived by the parties. Under date of July 30, 1958, the parties jointly advised the Secretary of the Third Division of their desire to withdraw 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 10th day of September, 1958.