

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the rules of the Clerks' Agreement when it failed and refused to compensate Mr. D. J. Irwin, Chief Clerk to the Superintendent at Sacramento, California, for service performed during his meal period and on rest days during the period March 1 through April 11, 1955, inclusive.

(b) Chief Clerk D. J. Irwin be compensated for one hour per day, at the overtime rate, account working a portion of his meal period each work day, Monday through Friday, beginning March 1, 1955, until practice was discontinued April 11, 1955.

(c) Chief Clerk Irwin be compensated for a minimum of eight hours at the overtime rate for each rest day involved when he worked four or more consecutive Saturdays or Sundays and was paid less than a minimum of eight hours, and that he now be compensated the difference between the amount previously allowed him and a minimum of eight hours at the overtime rate on such days.

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

That the Carrier and the Employees involved in this dispute are respectively carrier and employees 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 and under date of September 2, 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 16th day of September, 1958.