

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 to call Mr. Harold J. Coldsmith, Section Stockman at the Signal Store in Sacramento to deliver material to the Signal Maintainer and the Roadmaster. This material was used to repair damage caused by a derailment at the west end of Sacramento Yard.

(b) Mr. H. J. Coldsmith is entitled to, and shall now be compensated for a minimum call of two hours at the rate of time and one-half because of the Carrier's failure to call him to perform the necessary work in connection with the delivery of materials to the Signal Maintainer and Roadmaster at Sacramento on June 9, 1955, between the hours of 6:00 PM and 8:00 PM.

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.

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By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 16th day of September, 1958.