

Award No. 8520
Docket No. TE-9701

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE NEW YORK CENTRAL RAILROAD (Eastern District)
(except Boston Division)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the New York Central System (Eastern District), that:

1. Carrier violated the Telegraphers' Agreement when on April 5, 1956, it required H. D. Homan, Relief Position No. 28, Canastota, New York, to suspend work on his regular assigned position and was used to perform relief service on the 2nd trick at SS-41.
2. Carrier shall compensate H. D. Homan the difference between the pro rata rate, which was paid H. D. Homan for relief service performed on April 5, 1956, and the punitive rate which he should have been paid.
3. Carrier shall also compensate the claimant eight (8) hours at the pro rata rate of his assigned position for being required to suspend work on his regular assigned position.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of October 28, 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

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: A. Ivan Tummon
Executive Secretary**

Dated at Chicago, Illinois, this 13th day of November, 1958.