

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE DELAWARE, LACKAWANNA AND WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna and Western Railroad Company that:

1. (a) The Carrier violated the provisions of the Telegrapher's Agreement when and because it required or permitted the Conductor in charge of Extra 635 to copy Train Orders Nos. 2 and 3, April 24, 1954 at 2:14 A.M. and 3:11 A.M., respectively, at a location east of Owego where an employe covered by the Telegrapher's Agreement was not employed.

(b) The Carrier violated the provisions of the Telegrapher's Agreement when and because it required or permitted the Conductor in charge of Extra 902 to copy Form "B" clearance Card 7:44 A.M., August 3, 1954 and subsequent dates until the rail laying was completed at the south end of the siding, at Preble, a location where an employe covered by the Telegrapher's Agreement was not employed.

2. In consequence of the violation in 1 (a) above, E. Troupe, an idle extra employe, shall be allowed one day's pay (\$14.92); in consequence of the violation in 1 (b) above, the senior idle employe, extra in preference, shall be allowed a day's pay (\$14.01) for August 3, 1953, and the same amount for each subsequent dates the practice continued. The records shall be jointly checked to determine the payee or payees.

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 December 5, 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 18th day of December, 1958.