

Award No. 8581
Docket No. TE-8152

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 NO. 1

Carrier violated the terms of the Telegraphers' Agreement when and because on April 1, 1953 it required or permitted a clerk at Berwick to transmit a message to Scranton at a time Operator-Clerk Dalto, at Berwick, was off duty; in consequence thereof Dalto shall be allowed a "call" payment in the amount of \$5.61.

CLAIM NO. 2

Carrier violated the terms of the Telegraphers' Agreement when and because on April 1, 1953 it required or permitted the Agent at Berwick (not under the Telegraphers' Agreement) to transmit a message to a distant office at a time Operator-Clerk Dalto at Berwick was off duty; in consequence thereof Dalto shall be allowed a "call" payment in the amount of \$5.61.

CLAIM NO. 3

Carrier violated the Telegraphers' Agreement when and because (a) on the dates listed in the Employees' Statement of Facts, and subsequent dates it required or permitted a clerk at Berwick to transmit messages or reports to a car distributor (nor under the Telegraphers' Agreement) at Scranton at times the clerk-operator at Berwick was off duty, and (b) on the dates listed in the Employees' Statement of Facts, and subsequent dates it required or permitted the car distributor at Scranton to copy the messages or reports transmitted by the clerk at Berwick; in consequence thereof as to (a) above, operator-clerk at Berwick shall be allowed a "call" payment on each and every occasion, and as to (b) above, the senior idle employe under the Telegraphers' Agreement, extra in preference, shall be allowed a day's pay on each and every occasion. The records to be jointly checked to determine the 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.