

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 rules of the Telegraphers' Agreement when and because on August 3, 1953 it required or permitted employees outside of the said Agreement at Bangor and Hoboken to transmit and receive an accident report at a time neither the agent-operator at Bangor nor the operator-clerk at Hoboken was on duty; in consequence thereof each, the agent-operator at Bangor and the operator-clerk at Hoboken shall be allowed a "call" payment in the amount of \$6.04 and \$5.90, respectively.

CLAIM NO. 2

Carrier violated and continued to violate the Telegraphers' Agreement when and because backward 90 days, from September 12, 1953 through October 25, 1953, it required or permitted an assistant chief train dispatcher at Hoboken to copy train No. 44's consist from East End Tower, Scranton, at or about 6:30 P.M. each day at times the first trick operator-clerk at Hoboken was off duty. Carrier further violated the terms of the Telegraphers' Agreement when it failed to render a decision within the agreed-to time limits; in consequence thereof the incumbent of the first trick operator-clerk position at Hoboken shall be allowed a "call" payment each date from a date 90 days backward from September 12, 1953 and forward through October 25, 1953.

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.