

Award No. 8599
Docket No. TE-8619

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 & Western Railroad, that:

1. The Carrier violated Article 18(a) of the Agreement between the parties when on April 2, 1955, it used a junior extra employe, J. R. Canfield, on the first shift towerman's position at Montclair Tower, assigned hours 6:00 A.M. to 2:00 P.M., when a senior extra employe, E. A. Evans, was available.

2. As a result of this violation, J. R. Canfield was deprived of filling the first shift at Grove Street Tower, assigned hours 7:30 A.M. to 3:30 P.M., from April 2 to 13, inclusive, and

3. The Carrier shall now compensate J. R. Canfield for work denied on the following bases:

(a) April 2, 3, 4, 5—32 hours at the Grove Street Tower, rate of \$2.051 or \$65.63.

(b) April 6—8 hours at West End, rate of \$2.045 or \$16.36.

(c) April 9, 10, 11, 12—32 hours at Grove Street Tower, rate of \$2.051 or \$65.63.

(d) April 13—8 hours at West End Tower, rate of \$2.045 or \$16.36.

(e) Eight (8) hours at the time and one-half rate for service performed on the assigned rest days of Relief Position No. 6; and/or any other position on which rest day service was performed on April 7, 8, 14 and 15, and

(f) For eight (8) hours pay at the time and one-half rate for service performed outside the hours of assignment on Relief Position No. 6 between the dates of April 2 and 13, inclusive.

4. Compensation paid by the Carrier to Mr. Canfield for work performed during the period covered by the claim may be used to reduce the compensation due Mr. Canfield as a result of this claim. The amount due Mr. Canfield to be ascertained by a joint check of Carrier's records.

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.