

Award No. 8604

Docket No. TE-9411

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, that:

1) Carrier violated the agreement between the parties when on February 5, 1956, it required or permitted an employe not covered by the agreement to handle (receive, copy and deliver) a train order at Millington, New Jersey, at a time when the regularly assigned agent-operator was off duty but available for call.

2) Carrier shall compensate B. L. Richardson, agent-operator, Millington, for one call under Articles 3 and 5(a) of the agreement.

3) Carrier's declination of the claim prior to the conference was improper and in violation of the Railway Labor Act and Article V, paragraphs (a) and (b) of the August 21, 1954 Agreement, and in consequence claim shall be allowed as presented.

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

Case 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.