

Award No. 8605
Docket No. TE-9535

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 it diverted Mrs. M. A. Goodman off her regular assigned position, second shift at East Buffalo Yard Office, to fill a temporary vacancy on the first shift position "V" Office, Buffalo, on April 2, 3, 4, 5, 6, 9, 10, 11, 12 and 13, 1956, in the absence of an emergency.

(2) Carrier shall now pay M. A. Goodman a day's pay of \$16.848 the daily rate of her position, for each date set forth above, plus a day's pay at the time and one-half rate for the same period during which she was required to work outside the assigned hours of her regular assignment at "V" Office, Buffalo, hourly rate \$3.159, less amount paid. (Bus fare and travel time in connection with this claim has been allowed.)

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.