

Award No. 8614
Docket No. TE-9697

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, effective Monday, May 21, 1956, it nominally abolished the Clerk-Operator's position at Kingston Yard, Kingston, Pa., and required or permitted employees holding no rights under said Agreement to perform the work thereof.

(2) Carrier shall, because of such violation, pay the senior idle telegrapher, extra in preference, a day's pay at the pro rata rate of the abolished position (\$17.92) for May 21-22-23-24 and 25, 1956, subsequent to which the position was restored. A joint check of Carrier' records to be made to determine the payee.

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 was waived and 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, 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.