

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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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) The Carrier violated and continues to violate the Agreement between the parties when, it requires or permits employes not covered by the Telegraphers' Agreement at Scranton Yard Office, Scranton, Pa., to transmit or receive messages, consists and other telegraphic transportation communications over the telephone, both outside and inside the assigned hours of the Clerk-Operator at this location.

(2) The Carrier shall, commencing June 24, 1956, and daily thereafter, so long as the violations as set forth above continue, pay to the occupant of the Clerk-Operator's position Scranton Yard Office, a "call" for each of such violations occurring outside his assigned hours; and a day's pay, at the Scranton Yard Office rate, to the senior idle telegraphers, extra in preference, for each violation occurring within his assigned hours. With a joint check of Carrier's record to be made to determine Payees and amounts due.

**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.