

Award No. 8627
Docket No. TE-10009

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 violates and continues to violate the Agreement between the parties when, at Port Morris Yard Office, Port Morris, New Jersey, it requires and permits employees not covered by the Telegraphers' Agreement to transmit and receive transportation communication messages over the telephone.

2. Carrier shall, commencing October 15, 1956, and thereafter so long as the violation set forth above continues, pay to the senior idle telegrapher, extra in preference, a day's pay at the hourly rate \$2.182 for each eight (8) hour shift around the clock, with a joint check of Carrier's records to determine the payee and the amount due.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties 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 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.