

Award No. 8628
Docket No. TE-10028

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. The Carrier violated the Agreement between the parties when it failed to use senior available extra employe John F. Driscoll, to fill a temporary vacancy on the Second Shift at East Buffalo Tower (New York), but instead used a regularly assigned employe from another facility on his rest day, and an extra employe junior to claimant who had already worked 40 hours in his work week, on his rest day to fill said vacancy.

2. The Carrier shall, because of the violations set forth above, compensate claimant Driscoll a minimum day's pay for December 31, 1956, and eight (8) hours pay at the time and one-half rate (\$2.134 per hour) for January 1, 1957, New Year's Day, a designated holiday, for work denied.

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

That the Carrier and the Employes involved in this dispute are respectively carrier and employes 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.