

Award No. 8643
Docket No. TE-10485

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 and continues to violate the Agreement between the parties when it requires or permits an employee occupying a position identified as Car Distributor in the Chief Dispatcher's Office at Scranton, Pennsylvania, not covered by the Telegraphers' Agreement to transmit and receive messages and reports of record over the telephone.

(2) The Carrier shall, because of the violation set forth above, commencing on May 27, 1957, and each day thereafter so long as the violation continues, pay to the senior idle telegrapher, extra in preference, a day's pay at the minimum telegrapher's rate for the Division. The identification of Payee and amount due is to be determined by a joint check of Carrier's records.

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 no hearing thereon has been held, and under date of December 5, 1958, the complainant party 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.