

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 parties' agreement when in changing the rest days and thus the work week of D. A. Molyneaux, second-shift towerman at Tobyhanna Tower (Pa.), it failed to give the required 72 hours' notice as provided by Article 8 Section 1(L) of said Agreement.
2. The Carrier further violated the parties' agreement when, due to said change of rest days, it required D. A. Molyneaux to work Wednesday, May 8, 1957, a rest day of the position occupied, for which he received pay at the pro-rata rate, and
3. The Carrier additionally violated the parties' agreement when in changing said rest days, it required D. A. Molyneaux to suspend work on Monday, May 6, 1957.
4. The Carrier shall, because of the violations set forth above, compensate D. A. Molyneaux as follows:
 - (a) The difference between the straight time rate paid for work performed on Wednesday, May 8, 1957, and the time and one-half rate due for work performed on his rest day.
 - (b) A day's pay at the straight time rate of the position occupied for Monday, May 6, 1957.

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 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.