

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 L. Decker, third shift towerman, Stroudsburg, Pennsylvania, it required him to work on Thursday, May 9, 1957, a rest day of the position occupied, for which he received pay at the pro rata rate, and,

2. The Carrier further violated the parties' Agreement when, in changing said rest days, it required L. Decker to suspend work on Tuesday, May 7, 1957.

3. The Carrier shall, because of the violations set forth above, compensate L. Decker as follows:

(a) The difference between the straight time rate paid for work performed on Thursday, May 9, 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 7, 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.