

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 A. Folk, Agent-Operator at New Milford, Pennsylvania, 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 A. Folk to work Saturday, May 11, 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 A. Folk to suspend work on Monday, May 13, 1957.

4. The Carrier, shall, because of the violations set forth above, compensate A. Folk as follows:

(a) The difference between the straight time rate paid for work performed on Saturday, May 11, 1957, and the time and one-half rate due for work performed on his rest day, less amount paid him.

(b) A day's pay at the straight time rate of the position occupied for Sunday, May 12 and Monday, May 13, 1957, less amount paid him.

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.