

Award No. 8652
Docket No. TE-10638

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 at Berwick Yard, Pa., when, on April 29, 1957, it required or permitted Conductor Maxey, an employe not covered by the Telegraphers' Agreement to handle (receive, copy and deliver) train order No. 6 in the absence of an emergency.

(2) The Carrier shall, because of the violation set forth above, pay the senior idle telegrapher, extra in preference, a day's pay (\$16.93) as provided by Article 3(c) of the Agreement.

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.