

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE DELAWARE AND HUDSON RAILROAD CORPORATION

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware and Hudson Railroad, that:

1. Carrier violated the agreement between the parties when on the 24th day of September, 1955, it caused, required or permitted Conductor Seguin, a train service employe, to handle (receive, copy and deliver) Train Order No. 13 at Essex, N. Y.

2. Carrier violated the agreement in failing and refusing to call F. T. Crossman, Agent-Telegrapher, to perform the work of handling such train order, he being available.

3. Carrier shall be required to compensate F. T. Crossman, Agent-Telegrapher, Essex, New York, for one call as provided under Call Rule, account violations as above set out.

4. Employes further state that claims set forth in paragraphs 1, 2 and 3 were filed at the time and in the manner prescribed by the Agreement and in accordance with the usual manner of handling on this property; that Management has failed and refused to comply with Article V of the August 21, 1954 Agreement and, therefore, claim should be allowed as presented.

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 hearing thereon has been held and concluded. Under date of February 24, 1959, the Carrier addressed a formal communication to the Executive Secretary of the Third Division, requesting withdrawal of this case from further consideration by the Division. Under date of March 16, 1959, the Organization addressed a formal communication to the Executive Secretary of the Third Division concurring in the Carrier's request for withdrawal of the case from the Board. The request of the parties is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 20th day of March, 1959.