

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 4-A-1 (a), 4-A-1 (b), 4-A-1 (c), 4-A-2 (a), and 4-A-2 (b), at the Produce Terminal, Pittsburgh, Pa., Pittsburgh Region, on various dates beginning in April, 1956, by failing to pay various employees holding regular and extra list positions at the rate of time and one-half for services performed in excess of eight hours a day, in excess of forty hours a week, on their rest days, or on a holiday.

(b) Certain named employees, claimants in these cases, be compensated the difference between pro-rata rate of pay allowed, and time and one-half rate of pay for services performed on various dates as noted in their respective claims on account of these violations. (Dockets 117, 118, 119, 152, 153, 154, 155, 164)

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties and under date of March 25, 1959 the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, 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 15th day of April, 1959.