

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY**

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The Atchison, Topeka and Santa Fe Railway Company, hereinafter referred to as the "Carrier", violated the currently effective Agreement between the parties to this dispute, including Article II, Section 10-b, and Article IV, Sections 1-a and 1-b, when on Wednesday, June 15, 1955, in its Chillicothe, Illinois train dispatching office, it failed to use the senior available extra and unassigned train dispatcher, or Claimant Mr. J. D. Hunter to fill a temporary vacancy occurring on Position No. 1360 on the above mentioned date. Instead, Carrier used permanently assigned Train Dispatcher Mr. R. G. Buckingham in Carrier's Chillicothe, Illinois train dispatching office to perform service on the temporary vacancy occurring on Position No. 1360 on Wednesday, June 15, 1955, a temporary vacancy Claimant J. D. Hunter was entitled to fill under provisions of the current Agreement at the rate of one and one-half times the daily rate of Position No. 1360.

(b) Carrier shall now compensate extra and unassigned Train Dispatcher J. D. Hunter in the amount of one day's salary at one and one-half times the daily rate of Position No. 1360 for Wednesday, June 15, 1955, upon which date he was deprived of work which he was entitled to under the applicable provisions of the Agreement between the parties.

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 complainant party; and

That hearing thereon has been held and concluded. Under dates of July 2 and July 6, 1959 the parties 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 10th day of July, 1959.