

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

MISSOURI PACIFIC RAILROAD COMPANY—Gulf District

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Lines in Texas and Louisiana, that:

(1) Carrier violated the current Telegraphers' Agreement when the Star (*) Agency at Robstown, Texas was arbitrarily and unilaterally reclassified from Star Agent (*) to Agent-Telegrapher without conference and agreement in violation of Rule 4 (c) and (d) of the current Telegraphers' Agreement.

(2) That Carrier now be required to restore to the coverage of said Agreement, the position of Star (*) Agent at Robstown, as into the Telegraphers' Agreement of March 1, 1952, and make Telegrapher M. L. Wisner whole for any losses sustained plus actual necessary expenses incurred due to position of first trick telegrapher at Robstown being abolished when this illegal act of reclassification without conference and agreement occurred on November 5, 1955, said position being owned by Telegrapher M. L. Wisner.

(3) Any loss in earnings sustained by the employee who was ultimately displaced because of such reclassification and exercise of seniority, and that all displaced employees be made whole for any earnings loss sustained, plus away-from-home expenses incurred as the result of Carrier's violation of Rule 4, Sections (c) and (d) of the Telegraphers' 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 hearing thereon has been held and concluded. Under date of July 1, 1959, the parties jointly 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

Claim 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.