

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD
COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The New York, Haven & Hartford Railroad, that:

1. The Carrier violated and continues to violate the terms of the agreement between the parties when it permitted and/or required and continues to permit and/or requires, employees not subject to said agreement, by use of the telephone, to report (OS) trains, obtain permission for trains to occupy and use main tracks, within designated block limit territories, report the time that trains clear such block limit territories, and copy train orders at Plainfield, Connecticut, at a time when the agent-operator is available, but not on duty,

2. In consequence of these violations at Plainfield, Connecticut, the Carrier shall compensate the incumbent of the agent-operator position at that location in accordance with the "call" or overtime rules, (Articles 6 and 7, prevailing agreement), each day, commencing June 21, 1954 that he was not used.

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 14, 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 5th day of August, 1959.