

Award No. 8959
Docket No. TE-8871

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
THE PENNSYLVANIA RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Railroad Telegraphers on the Pennsylvania Railroad Company that:

T. P. Short, regularly assigned leverman "KN", 7:00 A. M. to 3:00 P. M. and A. C. Van Sciver, regularly assigned Leverman "KN", 3:00 P. M. to 11:00 P. M., were available and not used on the following dates to cover "KN" lever position on their respective tours, Feb. 4, 11, 18, 25 and March 4, 11, 18, 1950. But instead the Carrier blanked the position of leverman and required the Block Operator at "KN" to absorb and perform the duties and responsibilities of the levermen in violation of the Agreement.

Mr. Short and Mrs. Van Sciver submitted time cards for the above dates claiming 8 hours' at the overtime rate of pay being available and not used, and in accordance with Regulation 4-T-1, I hereby make claim for Mr. Short and Mrs. Van Sciver for 8 hours' at the overtime rate for each succeeding Saturday and until this violation ceases. This in accord with Regulations 4-G-1, 4-J-1, 5-G-1(a) and (b) and also in accord with Chicago Agreement, Article 2, Section 1(d).

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 August 13, 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: F. P. Morse
Acting Secretary

Dated at Chicago, Illinois, this 15th day of September, 1959.