

Award No. 9023
Docket No. TE-10592

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

NORFOLK SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Norfolk Southern Railway, that:

1. The Carrier violated the Agreement between the parties when it permitted or required employees other than those covered by the Telegraphers' Agreement to handle messages at New Bern, North Carolina, on May 1, 2 and 7, 1957, during a time when the operator-clerk, Mr. A. H. Whitty, was not on duty but available.

2. Carrier shall now be required to pay claimant Whitty a "call" (a minimum allowance of two (2) hours at overtime rate) for each of the above dates.

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 was waived and under date of September 21, 1959, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of October, 1959.