

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated and continues to violate the Rules of the Clerical Agreement by abolishing Weigh and Bill Clerk position at Wallsend, Kentucky, September 26, 1956, occupied by John Wilder, and concurrently therewith assigning the duties to a supervisory agent and an operator not covered by the Clerks' Agreement.

(2) Clerk John Wilder be restored to the position at Wallsend, Kentucky, and all employees who have been adversely affected, including the extra clerk who was ultimately forced to the extra board, be compensated for any wage loss they may have suffered account the position being abolished in violation of the Agreement.

(3) The senior unassigned extra clerk who has not made 40 hours in each work week be paid eight hours for Saturday, September 29, 1956, and each subsequent Saturday until the violation is discontinued by the restoration of the Weigh and Bill Clerk position at Wallsend, Ky.

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 carrier and 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 the complainant party; and

That hearing thereon has been held and concluded. Under date of October 19, 1959, the parties jointly advised the Secretary of the Third Division of their desire to withdraw 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 4th day of November, 1959.