

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 the Rules of the Clerks' Agreement when effective April 2, 1957, it abolished the position of Trucker, Appalachia, Virginia, occupied by Will Lindsey—rate of pay \$1.7860 per hour, eight hours per day, Monday through Friday, off days Saturday and Sunday—and transferred the work to an operator, an employe not covered by the Clerks' Agreement, and therefore,

(2) Trucker Will Lindsey shall now be restored to the position and paid for all wage losses sustained from April 2, 1957, and subsequent thereto until the Carrier complies with the Agreement.

(3) All extra truckers, or class 3 employes of the Cumberland Valley Division Line of Road Seniority District 41, shall be compensated for all wage losses sustained by them on April 3, 1957, and subsequent thereto until the Agreement is properly applied.

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 the carrier and employes involved in this dispute are respectively carrier and employes 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 was waived by the parties. 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.