

Award No. 9097

Docket No. TE-9940

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 Telegraphers' Agreement when at 9:14 A.M., June 25, 1956 it permitted or required Clerk T. R. Stone, an employe not covered by the Agreement, to handle (copy, receive and deliver) train order No. 34 at Bailey, North Carolina; that

2. The Carrier shall be required to pay the senior idle operator, extra in preference (A. E. Rollins), a day's pay because of such violative action; that

3. The Carrier failed to comply with the Agreement of February 9, 1955, Article V, 1(a) thereof, in notifying the representative of the Employes (who filed the claim) within sixty (60) days of any reason for disallowance of the claim; and that

4. The Carrier shall now allow the claim as presented pursuant to said Article V.

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 October 26, 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 23rd day of November, 1959.