

**Award No. 9129**  
**Docket No. CL-11370**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

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

**THE TEXAS AND PACIFIC RAILWAY COMPANY**

**STATEMENT OF CLAIM:**

(1) Carrier violated Clerks' Agreement when on April 1, 1958 it refused and continues to refuse to assign E. B. Leatherwood to position J-1036, Station Accounts Clerk, Agents Account Bureau, Office of Auditor Revenues, when said position was advertised by Bulletin No. 64, dated March 25, 1958, but instead assigned a junior employe without regard to the seniority of Mr. Leatherwood.

(2) Carrier now be required to compensate E. B. Leatherwood for any loss in salary or otherwise from April 1, 1958, the date he was denied service on Station Accounts Clerk position J-1036 and each day forward until this claim is settled and Mr. Leatherwood is placed on said position in line with his seniority.

**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 no hearing thereon has been held, and under date of December 9, 1959, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, 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 11th day of January, 1960.