

Award No. 9139
Docket No. TE-10747

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad, that:

1. Carrier violated the Agreement between the parties when it arbitrarily diverted Telegrapher S. W. Clark from Position No. 10, "GM" Telegraph Office, St. Louis, Missouri, to the position of Assistant Manager in that office on August 28, 1957.
2. Carrier caused Claimant Clark to lose the day of September 2, 1957, a holiday, for which he would have been paid eight hours at the time and one-half rate.
3. Carrier shall now compensate Claimant S. W. Clark for eight hours at the time and one-half rate of Position No. 10, "GM" Telegraph Office, St. Louis, Missouri for September 2, 1957.

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 December 31, 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 11th day of January, 1960.