

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 by its failure to maintain on a permanent basis the rest day relief assignment at Osawatomie, Kansas, now being worked by B. L. Talley as an extra or unassigned employe or to regularly assign said Talley to the position.
2. Carrier violated the Agreement between the parties when it failed and refused to provide free transportation to Telegrapher B. L. Talley in February and March 1958 while he performed rest day relief work four days a week in Osawatomie and one day a week at Kansas City.
3. Carrier violated the Agreement between the parties when it failed and refused to compensate B. L. Talley eight hours pro rata holiday allowance as provided in the August 21, 1954 Agreement for February 22, 1958.
4. Carrier shall now be required to pay the automobile mileage for February and March 1958 as claimed by B. L. Talley who submitted proper claim for mileage when it was found that the passenger train transportation did not qualify as "reasonable" transportation as described in Rule 8, Section 2, and shall be required to compensate him or the eight hour holiday pro rata allowance due him for February 22, 1958.

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.