

Award No. 9161  
Docket No. TE-11518

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**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 declared abolished the second shift Telegrapher-Clerk, Fort Smith, Arkansas, on July 10, 1958, along with the rest day relief position at the location, without in fact abolishing the work of the two positions, and transferred the work of these two positions to employes not covered by the Telegraphers' Agreement.

2. Carrier shall now compensate W. H. Berd, the former incumbent of the second shift position, 8 hours pay for Friday, July 11; Saturday, July 12; Sunday, July 13, 1958, and for each succeeding work week Wednesday through Sunday until position restored.

3. Carrier shall now compensate G. D. Bailey, the former incumbent of the rest day relief position, 8 hours' pay for Saturday, July 12 and Sunday, July 13, at the rate of \$2.31 per hour, and for 8 hours Monday, July 14 and Tuesday, July 15, and for each Saturday and Sunday, and for each Monday and Tuesday thereafter until position restored.

**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.