

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

NORFOLK AND WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the current Clerks' Agreement when on May 24, 25, 30 and 31 and June 1, 7, 8, 14, 15, 21, 22, 28 and July 4, 5, 6, 12, 13, 19 and 20, 1958 it removed a portion of the duties from the position of Messenger, regularly assigned to Mr. P. G. Leginus, Jr., and required employees not covered by the Agreement and employees in a separate seniority district to perform such duties.

(2) Mr. P. G. Leginus, Jr., and/or his successor or successors in interest, namely any other employe or employees who may have stood in the same status as claimant shall be allowed three (3) hours additional pay at time and one-half the rate of his position for each date of the violation named in paragraph (1) and for each subsequent date until the Agreement violation is corrected.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties and under date of December 28, 1959, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, 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 14th day of January, 1960.