

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the rules of the Clerks' Agreement in abolishing the Traveling Relief Position on December 30, 1954, which had performed relief at Stockton, Sacramento and Oroville, California, and thereafter having said relief performed by a furloughed employe, or, in the absence thereof, by a regular employe on his rest day at Oroville and Sacramento, and by the Baggage-man-Janitor at Stockton on Monday on a call basis.

(b) Mr. R. D. Scott, holder of said position at the time it was abolished, and all other employes adversely affected, be compensated for all wage loss sustained beginning December 3, 1954, and continuing until the violation is corrected.

NOTE: Reparation due employes to be determined by joint check of Carrier's payrolls and such other records as may be deemed necessary to establish proper claimant(s) and amount due.

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

That the carrier and the employes involved in this dispute are respectively carrier and employes 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 February 23, 1960, 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 24th day of March, 1960.