

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 has violated and continues to violate the rules of the Clerks' Agreement by the improper removal and transfer of work involved in supplying cabooses, from the Scope of the Agreement and the jurisdiction of the Perishable Freight Department at Portola, California.

(b) The work involved in the supplying of cabooses be returned to employees in the Perishable Freight Department, Seniority District No. 17.

(c) Mr. George Gerald and/or other employees in the Perishable Freight Department at Portola, who were adversely affected by the improper transfer and removal of the work involved in supplying of cabooses, be compensation for all wage loss sustained, but not less than a minimum of eight hours for each shift each day on which cabooses are supplied by employees outside the Agreement at Oroville, in addition to what employees have already received for service performed, since April 1, 1955, and continuing until the 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 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.