

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 through its unilateral action in abolishing the position of Third Trick Roundhouse Clerk at Oroville, California, effective upon the completion of business, February 4, 1948, and thereafter assigning a portion of the work, previously performed by said Roundhouse Clerk, to employees outside the scope of the Clerks' Agreement.

(b) Mr. W. B. Long, and/or his successors or relief be compensated for eight (8) hours for each day of the violation beginning January 10, 1955, and continuing until the violation is corrected, and the work here involved returned to employees within the scope and operation of the Clerks' Agreement.

(c) The Carrier violated the provisions of Article V, Section 1(a) of the August 21, 1954 Agreement, when it failed to notify the General Chairman in writing of the reason for such disallowance within the sixty-days therein specified.

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.

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By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of March, 1960.