

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 and continues to violate the rules of the Clerks' Agreement by its failure and refusal to advertise and assign the position titled "Manager of Statistical Bureau" in the Freight Traffic Department in San Francisco, in accordance with the applicable rules of the Clerks' Agreement.

(b) The position of Manager of Statistical Bureau shall now assigned in accordance with the rules of the Clerks' Agreement, and be advertised at the rate established for the present occupant and

(c) All employes adversely affected account having been denied the opportunity to fill this position since it was established on March 15, 1955, be compensated on a continuing basis for all wage loss sustained until such time as the violation is corrected.

NOTE: Wage loss sustained to be determined from a check of Carrier's timerolls and payrolls after position has been advertised and assigned. The employe assigned thereto, and the one who bids in his vacancy, etc., are entitled to be compensated for wage loss sustained.

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.