

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 action in improperly abolishing the position of Relief Storekeeper on or about June 6, 1952, at Portola and Elko, and on or about May 1, 1955 at Stockton.

(b) The Carrier has further violated and continues to violate the rules of the Clerks' Agreement in permitting employes outside the scope of the Clerks' Agreement to secure material from the Store Department Stock on rest days and/or holidays of the Storekeepers at Stockton, Portola and Elko.

(c) The Storekeepers, Messrs. E. E. Christian, J. W. Miller and A. Vizina, and/or their successors to the position of Storekeeper at each of the three points here involved, are entitled to and shall now be additionally compensated for eight hours at the rate of time and one-half for each Saturday, Sunday and holiday, beginning December 31, 1955, and continuing until the work here involved is properly restored to employes within the scope of the Clerks' Agreement.

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.