NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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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 removing work involved in the making of inspections and reports of damaged freight from employes within the Agreement and permitting and/or requiring it to be performed by persons not covered thereby, and that

(b) Mr. L. F. McAdams and/or his successors to this type of work be compensated for a day's pay on each day when other than a clerical employe in Seniority District 18 has made inspections in the territory between San Carlos and Sunyvale, and from Coyote to Monterey via Salinas, and from Los Gatos to Monterey via Santa Cruz, all in California.

NOTE: The dates such inspections have been made to be determined by a joint check of Carrier's records.

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, Ilinois this 24th day of March, 1960.