

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 in requiring Assistant T&E Timekeeper, Mr. D. Richmond, to perform work of the First Assistant T&E Timekeeper and/or the Head Timekeeper, and

(b) Mr. D. Richmond is entitled to, and shall now be compensated at the higher rate of pay of First Assistant T&E Timekeeper or Head Timekeeper, as the case may be, for each day on which he is required to perform such higher rated work, beginning May 22, 1957 and continuing until the violation is corrected.

NOTE: The days on which the violation involved in this dispute occur are to be determined from a joint check of the records maintained by the Carrier or by Mr. Richmond.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe 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.