

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 the rules of the Agreement when it used Messrs. G. Mesch, J. A. Potter, H. Sarafin, J. G. Sandstrom, and J. Lombardo, all holding seniority rights in the Accounting Department at San Francisco in Seniority District 4, and Mr. F. Rauwolf, occupant of an official position, to perform routine clerical work at Oakland, California, in Seniority District No. 18; and

(b) Messrs. Stanley L. Pierce, J. J. Susoeff, M. J. Butler, G. C. Warner, E. E. England and H. Daverkosen each be additionally compensated for eight hours' pay for each day at the overtime rate of not less than that of their regular assignments, as follows:

Name	Dates
Stanley L. Pierce	Mar. 31, Apr. 1, 2 & 3, 1958
J. J. Susoeff	Mar. 31, Apr. 1, 2 & 3, 1958
M. J. Butler	Mar. 31 & Apr. 1, 1958
George C. Warner	Apr. 2, 1958
Everett E. England	Mar. 31, Apr. 1, 2 & 3, 1958
H. Daverkosen	Mar. 31, Apr. 1, 2 & 3, 1958

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.

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.