

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**PHILADELPHIA, BETHLEHEM AND NEW ENGLAND
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the rules, understandings and practices of the current and existing Agreement:

1. When on March 21, 1958, Carrier posted bulletin allegedly and nominally abolishing an agreed upon relief position titled "Car Record Clerk—Crew Schedule Clerk," effective 7:00 A. M., March 31, 1958 and concurrently therewith and at the same time re-bulletined the same position, for the purpose of having the incumbent thereof fill a temporary short vacancy created by the absence of regularly assigned incumbent of a Crew Scheduler's position being absent due to having been granted a week of his vacation.

2. That the incumbent of the nominally abolished position, Mr. Harry Frey, be compensated an additional day's pay for each and every day during the week of March 30th and beginning Monday, March 31st to Friday, April 5th, that his position improperly discontinued, as outlined in Item No. 1.

Explanation: (Under Rule 7 of the Agreement between the Brotherhood and the Philadelphia, Bethlehem and New England Railroad, Good Friday is one of the seven paid holidays and in this instance fell on Friday, April 4, 1958.)

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

That the Carrier and Employee involved in this dispute are respectively carrier and employee 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 April 11, 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
Secretary

Dated at Chicago, Illinois, this 29th day of April, 1960.