

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. Carrier violated and continues to violate the Clerks' Rules Agreement when on April 1, 1957 it abolished Position No. 51, Clerk at Appleton, Minnesota, and assigned the remaining duties thereof to the Agent, an employe outside the scope and application of that Agreement.
2. Carrier shall return the work of Position No. 51 as it existed immediately prior to the abolishment of that position to the Clerks' Rules Agreement and the employes covered thereby.
3. Carrier shall compensate Employe F. H. Leif, the occupant of Position No. 51 at the time of the abolishment, for eight (8) hours at the rate of pay of Position No. 51 for April 1, 1957 and each subsequent day the violation continues.

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

That the Carrier and 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 April 28, 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.

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By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Secretary

Dated at Chicago, Illinois this 11th day of May, 1960.