

Award No. 9431
Docket No. CL-11661

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 the rules of the Clerks' Agreement and the provisions of Memorandum of Agreement Nos. 8 and 9 at Bensenville, Illinois when it used an employe who was on leave of absence to fill temporary vacancies.
2. Carrier shall be required to compensate Employe E. A. Waletich for eight (8) hours at the penalty rate of time and one-half the regular rate of Position No. 873 for Wednesday, November 26, 1958.
3. Carrier shall be required to compensate Employe Ralph W. Poor for eight (8) hours at the penalty rate of time and one-half the regular rate of Position No. 873 for Saturday, November 29; Fridays, December 12 and 19; and Saturday, December 20, 1958.

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

That the Carrier and Employees 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 April 29, 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 18th day of May, 1960.