

Docket No. 9529
Docket No. CL-9844

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ATLANTA JOINT TERMINALS

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

(a) The Carrier violated the Agreement when on September 2, 1956 it paid Claimant S. R. Wright, Extra Clerk, at pro rata rate, rather than time and one-half, for work in excess of forty hours, or five days, in his work week.

(b) The Carrier violated the Agreement when, on September 2, 1956 it worked an extra clerk, Mr. S. R. Wright, in excess of forty hours, or five days, in his work week thereby failing to afford the senior available regular employe, claimant R. H. Todd opportunity to work at rate of time and one-half.

(c) The Carrier shall now be required to compensate Claimant S. R. Wright for the difference between pro rata and time and one-half for the position of Caller and Oil House Attendant, \$14.58 per day.

(d) Claimant R. H. Todd shall now be paid for one day at rate of time and one-half account Carrier's failure to afford him an opportunity to work position of Caller and Oil House Attendant, \$14.58 per day, on September 2, 1956.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and 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 has been held and concluded. Under date of July 21, 1960, the parties jointly advised the Secretary of the Third Division of their desire to withdraw 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 4th day of August, 1960.