

Award No. 9700
Docket No. CL-11172

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

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

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rule 3-E-1, when it arbitrarily and unilaterally transferred certain clerical work which accrued to, and had been performed by, clerical employees in the Reservation Bureau, New York, New York, former New York Division, a separate seniority district, to employees in another separate seniority district in the offices of the General Passenger Agent, New York, New York, without an agreement between the Carrier and the General Chairman of the Brotherhood.

(b) Claimant C. Lynch should be allowed eight hours pay a day, as a penalty, for September 1, 1953, and all subsequent dates until the violation is corrected. This portion of the claim covers that part of the work which was transferred to the General Passenger Agent's office and assigned to H. Blair.

(c) Claimant E. J. Reardon should be allowed eight hours pay a day, as a penalty, for October 1, 1953, and all subsequent dates until the violation is corrected. This portion of the claim covers that part of the work which was transferred to the General Passenger Agent's office and assigned to E. Kurwolski. (Docket 271.)

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 October 4, 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 15th day of December, 1960.