

**Award No. 9709**  
**Docket No. CL-11303**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**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 the Scope Rule, and Rules 2-A-1 (e), 2-A-3 (d), 3-A-1, 3-H-1 and the Rose Lake Yard Group 1 Extra List Agreement, when it permitted Miss Sharon Noll to fill a vacation vacancy existing on clerical position Symbol TR-4-E, located in the Enginehouse Foreman's Office, Rose Lake Yard, Illinois, Southwestern Region, and refused to permit Extra Clerk C. J. Maxwell to fill the vacancy or post on the position.

(b) The Claimant, C. J. Maxwell, should be allowed eight hours pay a day, as a penalty, for each day that Miss Noll was used to work Position TR-4-E and other clerical positions from June 12, 1956, until September 8, 1956, particularly July 12, 13, 16, 17, 18, 19 and 20, 1956. (Docket 294.)

**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.