

Award No. 9937
Docket No. TD-10197

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

FLORIDA EAST COAST RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The Florida East Coast Railway Company, hereinafter referred to as "the Carrier" violated the currently effective Agreement between the parties to this dispute, when it failed and refused to require or permit Extra Train Dispatcher A. L. Joseph to perform service on Relief Position No. 2 on August 23 and 24, 1957 in its New Smyrna Beach, Florida train dispatching office.

(b) Carrier shall now compensate Extra Train Dispatcher A. L. Joseph one day's pay at pro rata rate for Friday, August 23, and Saturday, August 24, 1957—total two (2) days.

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

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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 complainant party; and

That hearing thereon was waived and under date of April 12, 1961 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 28th day of April, 1961.