

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

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

(a) The Carrier violated and continues to violate the rules of the Clerks' Agreement by its unilateral and arbitrary action in failing and refusing to advertise and assign the position of Secretary to Assistant Vice President — Marketing at Chicago, Illinois, in accordance with the provisions of the Clerks' Agreement; and

(b) The employes and/or their successors adversely affected as a result of the Carrier's action now be compensated as follows:

Mr. S. A. Durban, Jr., be additionally compensated in the amount of \$4.10 per day; and

Miss S. Michalek be additionally compensated in the amount of \$1.95 per day; and

The senior furloughed employe in the Traffic or Marketing Department be compensated at the rate of \$16.46 per day. These claims are for each day beginning January 1, 1959 and to continue until the violation is discontinued; and

(c) The position of Secretary to Assistant Vice President — Marketing at Chicago, Illinois be advertised and assigned in accordance with the rules of the Clerks' Agreement.

NOTE: The dates on which the claimants and/or their successors are entitled to be compensated to be determined from a joint check of the Carrier's records.

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 June 5, 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 29th day of June, 1961.