

Award No. 10065
Docket No. CL-12432

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN MARYLAND RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-4910) that:

(a) The Carrier violated the current Clerks' Agreement at its Yard Office in Baltimore, Maryland, when on November 23, 1959, it permitted or required Clerk, J. O. Nash to transfer from temporary assignment on Position No. 21 to temporary assignment on Position No. 17, thereby depriving Clerk, E. P. Marler of temporary assignment to Position No. 17 and,

(b) Mr. E. P. Marler shall now be allowed one day's pay at pro rata rate as a consequence of the above violation of agreement.

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

That the Carrier and the 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 16, 1961, the complainant party 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. Schuly
Executive Secretary

Dated at Chicago, Illinois, this 11th day of September, 1961.