

Award No. 10160

Docket No. TE-12578

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE NEW YORK CENTRAL RAILROAD, Eastern District
(Except Boston and Albany Division)**

STATEMENT OF CLAIM: Claim of the General Committee of the Order of Railroad Telegraphers on the New York Central Railroad (Eastern District), that:

1. The Carrier violated the terms of the Telegraphers' Agreement when on August 27 and 28, 1959, it required Mr. F. J. Wright, incumbent of the assistant ticket agent position at Amsterdam, New York, to perform relief service on the freight agent's position at Fonda, New York, at a time when no emergency existed, as defined by the terms of the Agreement.
2. Because of the violation the following payments shall be made to the following named telegraph service employees:
 - (a) Mr. F. J. Wright shall be paid the difference in the pro rata rate and the punitive rate of pay of the freight agent's position at Fonda, New York, for relief service performed on the said position on August 27 and 28, 1959.
 - (b) Mr. T. W. Ambridge, incumbent of Relief Position No. 30, shall be paid the difference between the pro-rata rate and the punitive rate of pay for relief service performed on the assistant ticket agent's position at Amsterdam, New York, on August 27, 1959.
 - (c) Mr. J. S. Leggiero, incumbent of 3rd trick telegrapher-leverman position at Interlocking 16, Fonda, New York, shall be paid eight (8) hours at the punitive rate of pay of the freight agent's position at Fonda, New York for not being called to perform relief service on the said position on August 27, 1959.
 - (d) Mr. M. Forman, incumbent of relief position No. 20, all positions at Interlocking 16, Fonda, New York, shall be paid eight (8) hours at the punitive rate of pay of the freight agent's position at Fonda, New York, for not being called to perform relief service on the said position on August 28, 1959.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing was waived and under date of August 22, 1961, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of October, 1961.