

Award No. 10270
Docket No. CL-11718

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE BELT RAILWAY COMPANY OF CHICAGO

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

1. That Carrier violated provisions of the parties' agreements when on May 26, 1958 it unilaterally transferred four or more hours per day of miscellaneous typing work attached to position of Typist-Clerk in seniority District No. 3, Car Accounting Department, to employees in the Machine Room, Seniority District No. 9, Chicago, Illinois.

2. (a) That the work be returned to employees in Seniority District No. 3; and

(b) Those adversely affected be paid wage loss sustained retroactive to May 26, 1958, to wit:

E. Benham, E. C. Bender, M. McGillicuddy and/or the successful applicant for the position here involved for the existing differential in the rate of pay of the positions now required to work and the clerical machine operator rate; and

(c) The Clerical Machine Room employees in Seniority District No. 3, namely, L. Cass, M. E. Loftus and M. G. Thomas be paid at the overtime rate of their position for four hours per day each.

3. That management, General Superintendent Harvey's letter dated December 12, 1958, denying the employees' claim as set forth in Section 1 and 2 hereof was untimely and did not meet Carrier's obligation as set forth in Section (a) of Article V of the August 21, 1954 National Agreement to which both Carrier and the Brotherhood are parties and as a consequence thereof, the Claim as presented must be allowed.

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

That the Carrier and Employes involved in this dispute are respectively carrier and employes 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 December 6, 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 19th day of December 1961.