

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILROAD SIGNALMEN
CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago, Rock Island and Pacific Railroad Company that:

(a) On February 6, 1960, Signal Maintainer R. M. Babb with headquarters at Gresham Interlocking Plant sent Mr. R. S. Carle, Signal Supervisor, a time claim for 2-8/12 (two and eight-twelfths) hours at punitive rate of pay account the Carrier violated Rule 18 when it called a second trick Signal Maintainer for overtime service on February 6, 1960, in place of calling Mr. Babb.

On February 11, 1960, Signal Maintainer R. M. Babb sent Mr. R. S. Carle, Signal Supervisor, a time claim for 4-9/12 (four and nine-twelfths) hours at punitive rate of pay account the Carrier violated Rule 18 when it called a first trick Signal Maintainer for overtime service on February 11, 1960, in place of calling Mr. Babb.

(b) Neither of the time claims listed in part (a) were denied by Signal Supervisor Carle within the 60 (sixty) day time limit specified in Article V, Paragraph 1. (a) of the August 21, 1954, National Agreement and, therefore, in accordance with the clear provisions thereof, both claims should be allowed as presented.

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 December 13, 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

Claim 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.