

**Award No. 10398**

**Docket No. CL-10566**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

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**PARTIES TO DISPUTE:**

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

**THE DENVER AND RIO GRANDE WESTERN RAILROAD  
COMPANY**

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

(1) Carrier violated rules of the current Agreement with the Brotherhood of Railway Clerks when it required Mr. J. T. Doud to perform higher rated work on August 5 and 6, 1957, without properly compensating him at the higher rate for the work performed.

(2) Mr. J. T. Doud shall now be compensated for the difference in rate between that of Bookkeeper and Machine Operator and the position of Bookkeeper for ten hours, the amount of time spent on August 5 and 6, 1957, performing this higher rated work.

(3) Mr. J. T. Doud and Mr. I. L. Heartz, and/or their successors, shall be paid the difference in rate between their position of Bookkeeper and Machine Operator and that of Bookkeeper at any time in the future they are required to perform work from this higher rated position.

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

That the Carrier and the Employees involved in this dispute are respectively carrier and employees 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; and

That hearing thereon was waived by the parties and under date of February 12, 1962, the parties 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 7th day of March, 1962.