

Award No. 10489
Docket No. CL-12704

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

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 (GL-4998) that:

(1) Carrier violated the current Clerks' Agreement at Salt Lake City, Utah on December 2 and 23, 1960, when it required or permitted Motorway employes, outsiders having no rights under the Agreement, to carry messages and waybills between the Roper Yard Office and the Salt Lake Freight Station.

(2) Mr. James Hulterstrom (senior furloughed employe) shall be compensated two hours at the pro rata rate for December 2, 1960, and Mr. Nick Falcone (senior furloughed employe) shall be compensated two hours at the pro rata rate for December 23, 1960.

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 March 20, 1962, 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 29th day of March, 1962.