

**Award No. 10565**

**Docket No. CL-12727**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Jerome A. Levinson, Referee**

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**PARTIES TO DISPUTE:**

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

**NORFOLK AND WESTERN RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-4982) that:

1. The Carrier violated the Clerks' Agreement when on January 15, 1960 it summarily dismissed Janitor Edward A. Wade without investigation and hearing, thus depriving him of his seniority rights to the regular assignment held by him.

2. Janitor Edward A. Wade shall now be restored to the position of Janitor, Joyce Avenue Yard Office at Columbus, Ohio, with all rights unimpaired and shall be compensated for all wage loss sustained beginning January 15, 1960 and continuing until such time that he is restored to the service of the Carrier.

3. Janitor Edward A. Wade's record shall be cleared of all alleged charges or allegations which may have been recorded thereon as a result of the alleged violation named therein.

**OPINION OF BOARD:** On January 15, 1960, the Claimant signed a written resignation from the service of the Carrier. He contends that he did not voluntarily resign from the service; that the resignation was secured under duress and for that reason was ineffective.

The record contains no proof by the Petitioner that the resignation was secured under duress or coercion. The Board finds that the resignation was voluntarily submitted by the Claimant and was valid. Having voluntarily terminated his employment with the Carrier, all of Claimant's rights under the collective agreement covering the work of the position from which he resigned were terminated. Under such circumstances, the claim should be denied. See Award 4583.

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

That the parties waived oral hearing;

That the Carrier and the 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; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1962.