

Award No. 577
Docket No. TE-564

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
MIDLAND VALLEY RAILROAD COMPANY**

STATEMENT OF CLAIM: "Claim of the General Committee of The Order of Railroad Telegraphers on Midland Valley Railroad that the position of telegrapher at Wichita, Kansas, having been abolished by the carrier, by guise, by transferring the duties of the performance of telegraph service, which is work covered by telegraphers' agreement, to employes not under said agreement, is in violation of telegraphers' agreement; and that the position of telegrapher shall be restored to the agreement and the employe who was regularly assigned to the position of telegrapher shall be reinstated to the position at the scheduled rate."

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe 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

Hearing thereon has been held and concluded. On January 27, 1938, and February 1, 1938, the parties respectively requested withdrawal of the 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: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 4th day of February, 1938.