

Award No. 1011

Docket No. PM-1067

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

THE BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "For and in behalf of M. Berryman, who is now employed by the Pullman Company as a porter operating out of the district of Kansas City, Missouri, because the Pullman Company did, under date of May 3, 1939, deny the claim of Porter Berryman to be compensated for pay lost by him by reason of the fact that he was not allowed to exercise his seniority in said district of Kansas City, Missouri, as is provided for under the rules of the agreement then and now in effect between the Pullman Company and its porters, attendants and maids, between the dates of April 1 and December 31, 1938; and further, for Porter Berryman to be paid the difference in the wages earned by him between April and December 31, 1938 and what he would have earned in wages had he been allowed to exercise his seniority rights in the Kansas City, Missouri district and to have operated regularly on runs to which he was entitled by virtue of his seniority in said district during the aforementioned period from April 1 to December 31, 1938."

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party;

That no hearing thereon has been had, and under date of December 22, 1939, the complainant party addressed a formal communication to the Secretary of the Third Division withdrawing this case.

AWARD

Case dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 3rd day of January, 1940.