

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

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

**CHICAGO, INDIANAPOLIS & LOUISVILLE RAILWAY  
COMPANY**

(Holman D. Pettibone, Trustee)

**STATEMENT OF CLAIM:** "Claim of the System Committee of the Brotherhood that the Carrier violated its agreement with this Brotherhood when on April 22, 1940, it nominally discontinued position classified as Assistant Foreman in the Chicago Freight Station Warehouse, rate \$196.75 per month and concurrent therewith removed the substantial and preponderating duties of said position from the scope and operation of the Clerks' Agreement by assigning same to the incumbent of an excepted position; when under date of October 7, 1940, the Carrier declined to bulletin and assign the position of Assistant Foreman in the Chicago Freight Station Warehouse as of October 14, 1940, and

(1) That said position of Assistant Foreman be reestablished as of Monday, April 22, 1940, and that incumbent Donald H. Clark be compensated for any loss resulting in this change, to and including May 25, 1940, date of termination of his services with the Carrier, and

(2) That all employees involved in or affected by such violation of said Agreement shall be reimbursed for all monetary losses sustained between the dates of April 22, 1940, and May 25, 1940, inclusive, and

(3) That said position of Assistant Foreman be assigned in accordance with the rules of the Agreement as of October 14, 1940, and

(4) That, effective October 14, 1940, the Senior qualified employee be reimbursed for any monetary loss sustained on account of the failure of the Carrier to bulletin and fill the position of Assistant Foreman in accordance with the rules of the Agreement, and further that all employees involved in or affected by the Carrier's refusal to make assignment on position of Assistant Foreman on October 14, 1940, shall be reimbursed as of October 14, 1940, for all monetary losses sustained."

**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 the complainant party.

That hearing thereon has been held but not concluded and under date of January 10, 1941, the complainant party addresssed 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 13th day of January, 1941.