

Award No. 1332

Docket No. CL-1503

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

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: "(a) Claim of the System Committee of the Brotherhood that the Carrier violated and continues to violate its agreement with this Brotherhood when on September 12, 1939, it nominally discontinued position classified as Yard Clerk, rate \$123.70 per month, at Michigan City, Indiana, 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 employees not covered by the Clerks' Agreement and portion of the work and duties to an employee paid at a lower rate and further when the Carrier assigned clerical duties to employees not covered by the Clerks' Agreement for performance on Sundays and Holidays, that is, work normally belonging to a Yard Clerk's position, and

"(b) That the carrier shall now be required to restore the position of Yard Clerk and compensate the employee, incumbent of Yard Clerk position, for all wage loss as a result of the Carrier's violation of our Agreement, retroactive to and including September 12, 1939, and

"(c) That the carrier shall reimburse the incumbent of the Yard Clerk position abolished for the Sunday and Holiday work assigned to an employee not covered by the Clerks' Agreement, amounting to three (3) hours each Sunday and each Holiday for each Sunday and each Holiday (Holidays as provided in Rule 49) worked, at the rate of time and one-half, since the date of the abolishment of the Yard Clerk position."

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 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 13th day of January, 1941.