

Award No. 1749
Docket No. CL-1645

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

THE ERIE RAILROAD COMPANY

(Robert E. Woodruff and John A. Hadden, Trustees)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that the carrier violated the rules of the Clerks' Agreement and continues to violate such Agreement when, effective September 11, 1938 it abolished the position of Third Trick Baggage-man, Middletown, New York, hours 11:00 P. M. to 7:30 A. M. and concurrently therewith assigned four (4) hours work of this position to the Operator Clerk, an employe not covered by the scope and application of the Clerks' Agreement, and on the same date established a four (4) hour position as baggage-man with hours from 5:35 P. M. to 9:35 P. M., and

That the carrier shall now be required to re-establish, bulletin and assign said position to the senior qualified applicant covered by the Clerks' Agreement, and to reimburse such senior qualified applicant and other employes affected for any and all wage losses sustained.

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 employes involved in this dispute are respectively carrier and employes 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 hearing thereon has been held and concluded. Under date of March 10, 1942, the employes and the carrier jointly advised the Secretary of the Third Division of their desire to withdraw it 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 17th day of March, 1942.