

Award No. 2292
Docket No. CL-2443

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The carrier violated the rules of the Clerks' Agreement when, on May 12, 1942, it declined to permit Mr. Frank Guzman, senior qualified unassigned available employe, to fill vacancy on Check Clerk position No. 239, at Oakland, Kirkham Street Freight Station.

(b) That Mr. Guzman be compensated for one day's pay, May 12th, 1942, at the rate of Check Clerk position No. 239, i. e., \$6.80 per day less any compensation already received that date.

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; and

That no hearing thereon has been held, and under date of August 17, 1943, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 15th day of September, 1943.