

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
LOUISIANA AND ARKANSAS RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Louisiana & Arkansas Railway that:

(1) the unilateral action of the Carrier in reinstating Telegrapher H. V. Brinker on December 13, 1943, with seniority date as of October 20, 1907, on the telegraphers' seniority roster on the Texas District, which is the same seniority date he held prior to his dismissal from the service for just cause on April 3, 1943, violated the rules of the telegraphers' agreement; that:

(2) H. V. Brinker's seniority date shall be fixed as of the date he re-entered the service, July 13, 1943, in accordance with Section 2-1 of said agreement; and, that:

(3) the position of agent-telegrapher at Hughes Springs, Texas, awarded to H. V. Brinker on December 28, 1943, as the senior applicant based on the erroneous seniority date of October 20, 1907, shall be awarded to R. N. Bailey, with the seniority date of November 2, 1924, the actual senior qualified applicant for the position, and be reimbursed for any loss in compensation he may have suffered since December 28, 1943 (the date he should have been assigned to the position, until he is assigned.

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 May 23rd, 1944, the complainant party addressed a formal communication to the Secretary of the Third Division withdrawing 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 26th day of May, 1944.