

Award No. 2836

Docket No. TE-2833

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
THE DELAWARE, LACKAWANNA & WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna and Western Railroad Company, that J. J. Wade, R. A. Bell, L. B. Burnett, H. B. Carman, Harry Straight, W. H. T. Cocking, E. A. Ryan, W. A. Nordland, L. V. Funk, N. A. Mitts, L. A. Hillman, D. C. Albertson, Harry Duffy, H. V. Stephens, F. W. Rogers, Andrew McLoughlin and W. E. Downes, who have never performed any service under the telegraphers' agreement, and whose names have been unilaterally placed on the seniority rosters created by the telegraphers' agreement, shall be removed from the seniority rosters on which they have improperly and unilaterally been placed by the carrier.

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 employees involved in this dispute are respectively carrier and employees 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;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That hearing thereon has been held but not concluded. Under date of February 19, 1945, the parties 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

Case dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 6th day of March, 1945.