

Award No. 3048

Docket No. CL-2905

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Edward F. Carter, Referee

**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) Carrier violated and continues to violate the rules of our current agreement when it used, and continues to use, employes not covered by our agreement to deliver material from storehouses to shops and roundhouses at Ogden, Utah.

(b) Employes named below, and on the dates cited, be compensated on "call" basis, or two hours at time and one-half the rate of their assigned position, except laborers, for whom we claim two hours on call basis at deliveryman's rate of pay:

**August 9-10-11-12-13, 1943 (5:30 P.M. to 12:00 Midnight):**

Storekeeper M. J. O'Hare  
Section Stockman F. Smith  
Section Stockman T. Van Drimmelen  
Stenographer T. Raynor  
"A" Helper Sam Goodwin  
Truck Driver Edwin Urry  
Crane Operator C. C. Johnson  
Caboose Supplyman V. P. Kopinski  
"B" Helper L. E. Lutz  
"B" Helper J. D. Topping  
Crane Helper Jesse Briseno  
Store Deliveryman Grace M. Bell  
Store Deliveryman Adella K. Ellis  
Store Deliveryman Dora Phipps  
Store Deliveryman A. DeCaria  
Laborer M. W. Malan  
Laborer Adona Call  
Laborer Don J. Stout  
Laborer F. W. Hart  
Laborer S. Lenzi

**August 9-10-11-12-13, 1943 (7:30 A.M. to 5:30 P.M.):**

Store Attendant Alma G. Ellis  
Store Attendant F. L. Horspool

**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 employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That the parties waived oral hearing thereon;

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

Under date of December 5, 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 20th day of December, 1945.