

Award No. 3058

Docket No. CL-3040

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

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

THE TEXAS MEXICAN RAILWAY COMPANY

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

(a) The Carrier violated the Clerks' Agreement at Laredo, Texas, from August 16th to 28th, 1943, by refusing to pay Messrs. Elizondo, Martinez and Rodriguez at the agreed upon rate of pay for the position they actually worked; also

(b) Claim that the Carrier further violated the Clerks' Agreement by refusing to pay the above employees at the rate of time and one-half for service performed outside their regular assigned hours; also

(c) Claim that the Carrier be required to pay Messrs. Elizondo, Martinez and Rodriguez at their regular straight time rate for their regular assigned hours, and at the time and one-half rate of the position they actually worked outside of their regular assigned hours.

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 December 18, 1945, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of the case, which request is hereby granted.

AWARD

Case dismissed.

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

ATTEST: (Sgd.) H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 20th day of December, 1945.