

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Henry J. Tilford, Referee

PARTIES TO DISPUTE:

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

**CHICAGO, SAINT PAUL, MINNEAPOLIS AND OMAHA
RAILWAY COMPANY**

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

(1) The Carrier violated and continues to violate Agreement Rules when on March 15, 1944, and again on May 22, 1944 and continuing, it removed Bernhard Johnson, regularly assigned incumbent of Claim Clerk Position No. 8, Rate \$7.52 per day, in Duluth Local Freight Office Seniority District from such position, and re-employed and assigned Walter Lavin, a former employee, to the claim clerk position. Claim Clerk Johnson, under protest of such illegal removal displaced Earl Davidson, regularly assigned incumbent of Yard Clerk Position No. 1, Rate \$6.48 per day; Clerk Davidson in turn, also under protest displacing on Yard Clerk Position No. 2, Rate \$6.24 per day, and that

(2) The Carrier shall now be required to restore Clerks Johnson and Davidson to their regularly assigned positions of Claim Clerk Position No. 8 and Yard Clerk Position No. 1 respectively, and that

(3) The Carrier shall reimburse employees affected for all wage and other monetary losses sustained on March 15, 1944, and since May 22, 1944 and continuing, and that

(4) Seniority date of Walter Lavin shall be March 15, 1944, the date of his re-employment 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 this dispute was handled in the usual manner and deadlocked. The dispute was certified to the Mediation Board who appointed Henry J. Tilford as referee to sit with the Division and make an award. The referee wrote a proposed award, but before it was acted upon the parties jointly notified the Division on February 12, 1946, of their desire to withdraw the 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 9th day of April, 1946.