

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**PARTIES TO DISPUTE:**

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

**THE ERIE RAILROAD COMPANY**

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

1. That the carrier violated the Clerks' Agreement when on February 14, 1944 it advertised position of Material Checker, Hornell, New York.
  - (a) with an improper title
  - (b) with an improper rate of pay
  - (c) with a 10½ hour assignment daily, exclusive of the meal period of 30 minutes and Sundays, if necessary
  - (d) with improper qualifications, and
2. That the position shall now be rebulletined and assigned to the senior qualified applicant on standard form bulletin showing:
  - (1) Proper title—Material Checker
  - (2) Proper rate, \$213.76 per month
  - (3) Eight hour assignment daily, exclusive of meal period and exclusive of Sundays and holidays
  - (4) Proper qualifications, and
3. That such senior applicant and all others affected by reason of this violation be compensated for any and all wage loss sustained retroactive to February 19, 1944.

**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 July 17, 1946, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this 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 23rd day of July, 1946.