

Award No. 4143

Docket No. TE-4157

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna & Western Railroad Company.

(1) That the Carrier violated Rules 2, 11, and 23 of the telegraphers' agreement and Notice and Order No. 1 and Notice of Instructions of Federal Manager C. H. Buford of Government Controlled Railroads of May 17, 1946, when, on May 24, 25 and 26, 1946, the Carrier declared "temporarily closed" or "temporarily discontinued" the positions of the claimants named in the following Employees' Statement of Facts on the days specified therein, and all other employees under the telegraphers' agreement whose positions were likewise declared "temporarily closed" or "temporarily discontinued" because of the engineers' and trainmen's strike commencing May 24, 1946, and has refused to pay these claimants their wages for the day or days on which they were thus improperly suspended from work during their regular hours; and

(2) That each of the claimants named in the Employees' Statement of Facts and all other employees under the telegraphers' agreement who were thus improperly deprived of their usual employment by the Carrier on the day or days involved by being improperly suspended during their regular hours and who were ready for service and not used, shall be reimbursed for the wage loss on the day or days involved as a result of this improper act of the Carrier.

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 October 6, 1948, the complainant party addressed a formal communication to the Acting Secretary of the Third Division withdrawing this case, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 18th day of October, 1948.