

Award No. 4254

Docket No. CL-4438

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

**PARTIES TO DISPUTE:**

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

**TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS**

**STATEMENT OF CLAIM:** Claim of the System Board of Adjustment, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, that the Carrier violated the agreement between the Terminal Railroad Association of St. Louis and Employees, represented by the Brotherhood of Railway Clerks, effective April 1, 1945, and as supplemented by Memorandum Agreement, effective November 18, 1947:

1. When it failed on February 14, 15 and 16 to fill certain positions in the Mail and Baggage Department of the Carrier at St. Louis of employees who were off duty on said dates notwithstanding the fact that Management had designated such positions and/or employees as being necessary to the continuous operation of the Carrier under terms of the Sunday and Holiday Work Rule 44, effective November 18, 1947, as embodied in Memorandum Agreement dated St. Louis, October 16, 1947, and;

2. That Carrier shall now compensate Thomas Mattingly, et al, employees in the Mail and Baggage Department for time and/or wage loss, at rate of time and one-half, account denied employment and work opportunities to fill the positions of employees who were permitted to be off by the Carrier on February 14, 15 and 16 as set forth in Employees' Exhibit "B" attached hereto and made a part of this claim.

**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 January 3, 1949, the complainant party addressed a formal communication to the Acting 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:** A. I. Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 5th day of January, 1949.