

Award No. 4255  
Docket No. CL-4479

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**  
**DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, that:

1. Carrier violated provisions of agreement with the Brotherhood, effective January 15, 1947, when on or about August 1, 1947 it abolished a position, subject to ALL (emphasis supplied) rules of the aforesaid agreement, classified as Reclaim Clerk—Car Service Department, rate \$276.50 per month, and created as a substitute therefor position of Chief Clerk—Car Service Agent, rate \$310.00 per month, in violation of rules of the aforesaid agreement, particularly Rule 38 (b) thereof, reading:

**"RULE 38—NEW POSITIONS AND RATES DISCONTINUED—**

(b) Established positions shall not be discontinued and new ones created under a different title covering relatively the same class of work for the purpose of reducing the rate of pay or **evading the application of these rules.**" (Emphasis supplied.)

2. That position of Reclaim Clerk—Car Service Department, rate \$276.50 be restored as it was prior to the change made by Management as set forth in paragraph number 1.

**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 27, 1948, 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.