

Award No. 4330
Docket No. TD-4495

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION
ATLANTIC COAST LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association for and in behalf of B. W. Erwin that:

- (1) The Atlantic Coast Line Railroad Company, in violation of the rules of the Agreement between said Railroad Company and its Train Dispatchers, failed to permit or require B. W. Erwin, a regularly assigned train dispatcher employed in its Tampa, Florida dispatching office, to take one day off as a rest day between Tuesday, November 5, 1946 and Thursday, November 14, 1946, (both dates inclusive) during which time no unavoidable emergency existed, and
- (2) That said Atlantic Coast Line Railroad Company be required to pay said B. W. Erwin the difference between what he was paid at pro rata rate and the amount he was entitled to receive at time and one-half rate, for service which said Railroad Company required him to perform on Monday, November 11, 1946.

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 February 21, 1949 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: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 1st day of March, 1949.