

Award No. 4331

Docket No. TE-4240

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**  
**THE NEW YORK CENTRAL RAILROAD COMPANY**  
**Buffalo and East**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the New York Central Railroad, Buffalo and East, that:

(a) the Carrier violated the rules of the Telegraphers' Agreement on October 20, 1947, when it permitted or required train service employes who are not under the Telegraphers' Agreement to "OS" (report trains) of which a record is made on the train dispatcher's sheet, and also, to fulfill the duties of a Block Operator by use of the telephone at Copake Falls, New York, at a time that the agent-telegrapher was available but not on duty, and

(b) in consequence thereof, the Carrier shall now be required to pay "call" service (Rule 5 of the Telegraphers' Agreement) to the incumbent of the agent-telegrapher position at Copake Falls, New York, on this occasion when he was not used.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to the dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That hearing thereon has been held and concluded. Under dates of February 25 and 28th the parties addressed formal communications 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 2nd day of March, 1949.