

Award No. 4420
Docket No. DC-4695

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES

**CHICAGO, ROCK ISLAND AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim is filed on behalf of H. C. Fagan and Andrew Lovan, employes of the Dining Car Department of the Chicago, Rock Island and Pacific Railway Company, for reclassification as Waiters-in-Charge on Trains Nos. 18 and 15. Claim is also made for the assignment of Cafe-Chefs to the above mentioned trains.

The above claims are brought about by the Carrier's violation of Rules 12 and 16 of the controlling agreement between this Organization and the Carrier which is evidenced by the Carrier's arbitrary assignment of Waiter-Cooks to the trains in question without negotiation with this Organization as provided for in Rule 16.

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 May 31, 1949, the complainant party addressed a formal communication to the Acting Secretary of the Third Division withdrawing the 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 June, 1949.