

Award No. 4444

Docket No. TE-4766

**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 the Carrier violated the provisions of the Telegraphers' Agreement when it:

1. Abandoned a relief assignment which contained as one position therein a relief assignment of eight hours on one day in each week on second trick at Rhinecliff, New York, continuing thereafter to require service to be performed on two tours of duty within the assigned week day hours of the second trick at Rhinecliff.
2. The Carrier shall be required to restore the relief assignment covered by item 1 and compensate the employe removed therefrom by such improper action as provided in the applicable Article of the Agreement.
3. The employe occupying the position of second trick at Rhinecliff within whose assigned week day hours the two tours of duty have been required by the carrier shall be compensated eight hours at the time and one-half rate for each day the position has been so worked since the relief assignment was discontinued.
4. The Carrier shall now make whole through payment of compensation and expenses as provided in the agreement all employes who have been adversely affected by the improper action of the carrier.

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 July 8, 1949, the complainant party addressed a formal communication to the Acting Secretary of the Third Division withdrawing 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 12th day of July, 1949.