

Award No. 4596
Docket No. CL-4591

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Dudley E. Whiting, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY
COMPANY**

STATEMENT OF CLAIM: (1) Claim of the System Committee of the Brotherhood that the Carrier violated its Agreement with the Brotherhood at Bloomington, Indiana, when, beginning March 1, 1948 and ending July 24, 1948 (each day except Sundays and Holidays) for a total of 124 days, it arbitrarily removed the station laborer's work, consisting of handling mail and/or baggage on to and from train No. 5, from the scope and operation of the Clerks' Agreement and assigned such work to one Loren Geiger, an outsider and one not an employee, and

(2) that, by reason of the violation, the Carrier shall compensate C. A. Brookshire, Cashier at the Bloomington Freight Station, under Rule 44 (Notified or Called Rule) for two (2) hours at the punitive rate of the Station Stower, amounting to \$3.02 for each of the 124 days that he was denied the right to perform such service.

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

That the Carrier and the Employee involved in this dispute are respectively carrier and employee 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 the complainant party; and

That hearing thereon has been held and concluded. Under date of October 5, 1949, the parties jointly advised the Acting Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division, 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 18th day of October, 1949.