

Award No. 4858
Docket No. TE-5100

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE CHESAPEAKE & OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Chesapeake & Ohio Railway Company:

(1) That R. W. Foster, regularly assigned third trick telegrapher in the Peru, Indiana, Yard Office, and C. V. Adkins, regularly assigned second trick telegrapher in "Z" Office, Peru, Indiana, were each entitled to work on their respective rest day of Friday, February 20, 1948, and Wednesday, March 10, 1948, because of the absence of the regular assigned swing relief telegrapher and no extra telegrapher available, but who were improperly relieved on those rest days by other than the regular relief employee or an extra employee to permit the carrier to require Foster and Adkins to work temporarily as train dispatchers in the Peru, Indiana, train dispatcher's office on the following day; and

(2) That R. W. Foster and C. V. Adkins shall each be paid for the rest day thus lost to them, and at the rate of time and one-half, which the Carrier forced them to lose in transferring them temporarily to train dispatcher positions.

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 the complainant party; and

That no hearing thereon has been held, and under date of May 18, 1950, 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 19th day of May, 1950.

[537]