

Award No. 4885
Docket No. TE-4775

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Edward F. Carter, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE NEW YORK CENTRAL RAILROAD
(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 provisions of the Telegraphers' Agreement on February 23 and December 31, 1948 as well as January 1, 1949 when and because it unilaterally transferred the handling of shipments properly belonging to the Agent at South Bethlehem, New York and permitted or required employees not covered by the Telegraphers' Agreement to perform the Agent's work.

(b) in consequence of such violations the Carrier shall now be required to pay to Claimant J. H. Wall, Agent at South Bethlehem, New York, eight hours' pay at the rate of time and one-half for each date he was denied the right to perform his regularly assigned duties at South Bethlehem.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That both parties to this dispute waived oral hearing thereon;

That the Carrier and the Employees involved in this dispute are respectively carrier and employees 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 under dates of May 19, 1950 and May 22, 1950, the respective parties addressed formal communications to the acting Secretary of the Third Division requesting withdrawal of 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 26th day of June, 1950.