

Award No. 4937
Docket No. CL-5200

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
THE INDIAN HARBOR BELT RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that:

(1) That Carrier violated our rules of agreement when they failed to call Ray E. Neath, L. J. Haas, Nofeo Nuzzo, T. Thomas, A. Schuman, J. W. George, R. Thomas, J. C. Kleinz, George Weis, Frank Napoli, and C. J. Borg on their rest days to perform a service of checking cars to the Hales and Hunter Company and the Arcady Farms Milling Company on dates indicated in our EXHIBIT NO. 1, which service was performed by employees not covered by our agreement; and

(2) That the Carrier now be required to pay each and every employee enumerated in Section 1 of our Statement of Claim three (3) hours at straight time rate for each of the dates shown in EXHIBIT NO. 1.

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 July 14, 1950, the complainant party addressed a formal communication to the Acting Secretary of the Third Division requesting withdrawal of 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 20th day of July, 1950.