

Award No. 5179
Docket No. CL-5368

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE LONG ISLAND RAIL ROAD COMPANY

David E. Smucker and Hunter L. DeLatour, Trustees

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Scope Rule, Rules 2-A-1, 2-A-2, 3-A-1, 3-B-1, 4-A-3, 4-G-1, 4-G-2, 9-A-1, and the Wage Agreements, when it:

(A) Assigned Miss Irene Brenton, a junior employe, to clerical work in the Pass Bureau at a rate of \$175.00 per month, and

(B) Assigned Miss Ruth Smedes, an employe holding no clerical seniority, to clerical work in the Pass Bureau at a rate of \$175.00 per month; and

2. The Carrier shall assign the senior applicant as provided in Rule 2-A-1 or Rule 5-C-1 and shall pay the minimum clerical rate of \$244.17 per month, to any or all affected employes, retroactive to November 7, 1949.

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 December 19, 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 21st day of December, 1950.