

Award No. 5184
Docket No. CL-5435

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

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

(a) The Carrier violated the provisions of the Rules Agreement, effective May 1, 1942, particularly the seniority rules, by failing to use the senior qualified available employe to perform overtime work on July 11, 14 and 21, 1949, and subsequent dates, Dining Car Department, Long Island City, New York.

(b) Clerk Bertha Yurtchuk be paid four hours' pay at punitive rate as a penalty for loss in wages for each of these dates.

(Docket G-80.)

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 complainant party; and

That no hearing thereon has been held, and under date of December 22, 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 11th day of January, 1951.

[795]