

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(PERE MARQUETTE DISTRICT)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated and continues to violate the Clerks' applicable Agreement, effective August 1, 1947, and Supplemental Agreement of September 1, 1949:

(1) When effective September 1, 1949, it failed and refused to establish a proper and regular relief assignment to relieve Baggage-man Wickerink at Muskegon, Michigan, on his assigned rest days, and

(2) That Carrier shall now be required to properly assign the work by establishing a regular relief assignment to relieve the position of Baggage-man, Muskegon, Michigan, on the assigned rest days (Friday and Saturday), the position of baggageman being one on which service is required and performed seven (7) days each week, and

(3) That Baggage-men Gerald Wickerink and/or his successor or successors shall now be compensated for eight hours at time and one-half rate each day for Friday, September 2 and Saturday, September 3, 1949, and each Friday and Saturday subsequent thereto until the violation has been corrected, and

(4) That Yard Clerk Charles Neal and/or his successor or successors shall now be compensated for two hours and forty-five minutes at the pro rata rate of his regular position for each day for Friday, September 2 and Saturday, September 3, 1949, and each Friday and Saturday thereafter until the violation has been corrected.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 the complainant party; and

That hearing thereon has been held and concluded. Under date of September 10, 1952, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request was concurred in by the Carrier in letter dated September 11, 1952, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 7th day of October, 1952.