

Award No. 5981

Docket No. CL-5985

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Carroll R. Daugherty, Referee

PARTIES TO DISPUTE:

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

CHICAGO AND NORTH WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM: (1) The Carrier claims it has the right to establish seven-day-per week service at its ore docks (Escanaba, Michigan and Ashland, Wisconsin) to enable it to currently handle iron ore.

(2) The Carrier further claims that seven-day positions may be set up to protect the service outlined in Section (1), and iron ore handlers coming within the scope of the Clerks' Agreement may be assigned five days of work and any two consecutive days, not necessarily including Saturday, Sunday or Monday, as rest days each week to perform such service.

(3) The Employees contend such arrangement would be a violation of Article II, Section I (d) of the 40-Hour Week Agreement made at Chicago, Illinois, March 19, 1949, and the rules agreement for iron ore handlers, as revised and signed on April 21, 1950, to be effective as of September 1, 1949.

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 carrier and 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 by joint submission of the parties; and

That hearing thereon has been held and concluded. Under date of October 8, 1952, the parties jointly advised the Secretary of the Third Division of their desire to withdraw 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: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 31st day of October 1952.