

Award No. 5991

Docket No. CL-6344

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

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

READING COMPANY

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

1. That the Carrier violated the Clerks' Agreement, when between the dates of September 15th, 1950 and December 26th, 1951 (both dates inclusive), certain Maintenance of Way Laborers, i.e., John Shaeffer, Michael H. Chwastiak and Peter Karpovich, were assigned to perform clerical duties in conjunction with a temporary field office established at Rutherford, Pa. during installation of a Car Retarder System.

2. That Clerical employee, Charles Carricato and/or his successor, incumbent of position of Clerk, Supervisor's Office, Harrisburg, Pa., be paid an additional day's pay at the prevailing clerical rate including overtime performed at the rate of time and one-half for each and every day that Laborer John Shaeffer was assigned to perform clerical duties between the dates of September 15th, 1950 and May 1, 1951 (both dates inclusive). That Clerk William Kerr and/or his successor as incumbent of position of Clerk, Rutherford Temporary Field Office, be paid an additional day's pay including overtime performed at the rate of time and one-half for each and every day that Laborer John Shaeffer was assigned to perform clerical duties between the dates of May 2, 1951, until the practice was discontinued on December 26, 1951. That Clerk George Hausman and/or his successor as incumbent of position of Clerk, Supervisor's Office, Harrisburg, Pa., be paid an additional day's pay including overtime performed at the rate of time and one-half during the period that Laborer Michael H. Chwastiak (June 11th to September 10th, 1951, inclusive) and Peter Karpovich (September 11th to December 14th, 1951, inclusive) were assigned to perform clerical duties.

3. That the Carrier be required to pay the monetary Claim No. 2 outlined above, irrespective of whether or not such claim is meritorious, due to the Carrier's failure to comply with the provisions of Rule 44.

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 October 22, 1952, the complainant party addressed a formal communication to the 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: (Sgd.) A. Ivan Tummon
Secretary

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