

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY (Coast Lines)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers of the Atchison, Topeka and Santa Fe Railway that:

(a) the Carrier violated the Agreement between the parties when, during the period May 20 through June 4, 1952, it required or permitted the occupant of the first shift telegrapher-clerk position at Victorville, California to suspend work on his own regularly assigned position in order to fill the position of agent (exclusive) at that point, without properly filling said first shift telegrapher position;

(b) the Carrier further violated the agreement during the period specified in paragraph (a) when it failed or refused to:

(1) permit the occupant of the second shift telegrapher-clerk position to advance to first shift; the occupant of the third shift telegrapher-clerk position to advance to the second shift position; and the occupant of the rest day relief position to advance to the third shift telegrapher-clerk position; and

(2) fill the rest day relief position—shift left vacant—from the extra list, or by working the regular incumbents on their rest days.

(c) The Carrier shall now be required to pay:

1. The occupant of the first shift telegrapher-clerk position an amount equivalent to an additional day's pay during the period of violation at the straight time rate of his own position from which he was improperly suspended.
2. The occupant of the second shift telegrapher-clerk position an amount equivalent to an additional day's pay for each work day during the period of the violation at the straight time rate of the first shift telegrapher-clerk position to which he was not permitted to advance.
3. The occupant of the third shift telegrapher-clerk position an amount equivalent to an additional day's pay for each work day during the period of the violation at the straight

time rate of the second shift telegrapher-clerk position to which he was not permitted to advance.

4. The occupant of the rest day relief position an amount equivalent to an additional day's pay for each work day during the period of the violation at the straight time rate of the third shift telegrapher-clerk position to which he was not permitted to advance.
5. The senior idle extra employe on the seniority district an amount equivalent to a day's pay for each work day during the period of violation at the straight time rate of the rest day relief position.
6. If no idle extra telegraphers, the regularly assigned occupants, except the regularly assigned occupant of first shift telegrapher-clerk position, shall be paid for each of the rest days of the positions to which they were entitled, and not permitted to fill, at the time and one-half rate.

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 March 24, 1954, 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 March, 1954.