

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

KANSAS CITY TERMINAL RAILWAY COMPANY

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

(a) That the Carrier violated the Union Shop Agreement signed by the parties February 12, 1953, when it declined to accept notice given by the Committee that employes Lenoir Rogers and William F. Richards, Clerks, Treasury Department, had failed to comply with the said Agreement of February 12, 1953; and,

(b) That employes Lenoir Rogers and William F. Richards violated the terms of the said Agreement of February 12, 1953, when they failed to become members of the Organization within 60 calendar days of the date they first performed compensated service after the effective date (February 28, 1953) of said Agreement; and,

(c) That the stipulations of said Union Shop Agreement requiring employes to become members of the Organization had application in the cases of employes Lenoir Rogers and William F. Richards and to all other employes who may have in the past, who now are or who may hereafter become the incumbents of positions listed under paragraph (D) of Rule 1 of the Agreement of October 1, 1942, amended, between the parties; and,

(d) That employes Lenoir Rogers and William F. Richards now be required to become members and maintain membership in the Organization by the payment of the uniform initiation fee and the payment of dues retroactive to the date they should have become members had the said Union Shop Agreement not been violated; and,

(e) That employes other than the said Lenoir Rogers and William F. Richards, who may have failed to become members of the Organization or maintain membership because they were or are incumbents of positions listed under paragraph (D), Rule 1, of the Agreement of October 1, 1942, now be required to become members under the same terms and conditions as stated in paragraph (d) above.

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 February 7, 1955, 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 17th day of February, 1955.