

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

**DELAWARE, LACKAWANNA AND WESTERN RAILROAD
COMPANY**

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

(a) That Carrier violated rules of the currently effective Agreement when, commencing September 1, 1949 and continuing thereafter, to and including June 6, 1952, it required the incumbents of the positions titled Outbound Revision Clerk and Billing and File Clerks, at Syracuse Freight Office, to suspend work during regular hours one (1) day each week, for the purpose of absorbing overtime.

(b) That the regularly assigned incumbents of the positions specified above, shall be reimbursed an additional day's pay at the rate applicable to their regularly assigned positions, for each day on which they were required to suspend work for the purpose of absorbing overtime, during the interim September 1, 1949 to June 6, 1952.

(c) That the Carrier also violated rules of the current effective Agreement when, commencing September 1, 1949 and continuing thereafter, to and including June 6, 1952, it disallowed Mr. Edward Iwanski, the regularly assigned incumbent of the Outbound Rate Clerk's position at Syracuse Freight Station, the right to perform service on each Saturday during the interim of time specified herein, in direct violation of Rule 8½.

(d) That Mr. Iwanski shall be reimbursed an additional day's pay at the prevailing rate of his Outbound Rate Clerk's position at time and one-half time for each Saturday on which he was denied the right to perform such service, during the period September 1, 1949 to June 6, 1952.

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 employe involved in this dispute are respectively carrier and employe 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 9, 1955, 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 23rd day of September, 1955.