

**Award No. 7126**

**Docket No. CL-7607**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

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

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY  
CHESAPEAKE DISTRICT**

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

(a) That the Carrier violated and continues to violate the terms of Clerks' Agreement No. 7 and memoranda in connection therewith when, without prior conference and agreement it advertised permanent new position of Secretary, position No. E-18 (61), on January 24, 1955, for bids ignoring the prescribed form of bulletin and, when, on February 3, 1955 position as thus advertised was awarded W. F. Smith and when subsequent thereto the Carrier has treated the position as being excepted from certain rules of the Agreement, and

(b) That the position be classified, rated, advertised and assigned in accordance with provisions of the Agreement, and

(c) That the employee awarded position be paid the difference between the amount earned and the amount the employee would have earned in position No. E-18 (61) here involved, claim to continue until corrections are made.

**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 the carrier and the 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 hearing thereon has been held but not concluded. Under date of September 16, 1955 the complainant party addressed a formal communication

to the Secretary of the Third Division requesting withdrawal of 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.