

Award No. 7151

Docket No. CL-7261

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that:

1. The carrier violated the Clerk's Agreement when on Sunday, April 18, 1954 and all subsequent Saturdays and Sundays, minus such Saturdays or Sundays on which Mr. R. A. Mallett, Locomotive Foreman's Clerk has been worked, it blanked the position of Locomotive Foreman's Clerk, Duluth, Minnesota and assigned the duties of said position to employees not covered by the Clerk's Agreement, and that:

2. Mr. R. A. Mallett, occupant of the position of Locomotive Foreman's Clerk, Monday through Friday, shall now be compensated at rate of time and one half, for eight hours per day, for each and every Saturday and Sunday that he was not permitted to work his position on an overtime basis, since Sunday, April 18, 1954.

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 October 7, 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 21st day of October, 1955.