

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the rules of the Clerks' Agreement when it established a position of Division Auditor at Elko, Nevada, and failed and refused to bulletin said position and assign employees thereto in accordance with the rules of the Agreement.

(b) The Carrier violated the rules of the Clerks' Agreement when it transferred the supervision over the Accounting and Time-keeping force in the Superintendent's Office at Elko, Nevada, from the Chief Clerk to a new position designated as Division Auditor, effective March 1, 1955.

(c) Mr. M. T. Clark, or in his absence the next senior employee in the office of the Superintendent at Elko, Nevada, be compensated for the difference between the rate of pay of his assignment and the rate of pay of the so-called Division Auditor for each day March 1 to November 16, 1955, inclusive.

(d) Mr. W. A. Thorpe, and/or other employees in the Superintendent's Office at Elko, Nevada, who were deprived of promotion to higher rated positions which would have been open had Mr. Clark or other Eastern Division Employee bid on and been assigned to position of Division Auditor, be compensated for all wage loss sustained for each day, March 1, to November 16, 1955, inclusive.

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 employees involved in this dispute are respectively carrier and employees 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 was waived by the parties and under date of November 23, 1956 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: A. Ivan Tummon
Executive Secretary**

Dated at Chicago, Illinois, this 30th day of November, 1956.