

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the terms of the Clerks' Agreement at Louisville, Kentucky, beginning Saturday, August 5th and Sunday, August 6th, 1950, and continuing till September 21, 1952, inclusive:

(a) When it used one Mr. H. L. Carman, an outsider or nonemployee who held no rights under the Agreement between the parties, to fill vacancies on Saturdays and Sundays only, on clerical position (No. 71) regularly occupied by Miss Hazel G. Kneisler until she was displaced by Mr. E. E. McDonald on October 23, 1950, and thereafter until September 21, 1952.

(b) That each of the regular occupants of Position No. 71 (Miss Kneisler for every Saturday and Sunday from August 5, 1950 to October 21, 1951, inclusive, and Mr. McDonald for every Saturday and Sunday from October 27, 1951 to September 21, 1952, inclusive) be compensated for eight (8) hours at punitive rate of pay for each of the Saturdays and Sundays that Mr. Carman was illegally permitted to work Position No. 71.

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 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 has been held and concluded. Under date of November 20, 1956, 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: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 5th day of December, 1956.