

Award No. 7523  
Docket No. CL-8259

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**PARTIES TO DISPUTE:**

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

**ST. LOUIS SOUTHWESTERN RAILWAY COMPANY**

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

(1) That Carrier violated the Clerks' current Agreement when it abolished the position of Yard Clerk, North Little Rock, Arkansas, hours 2:00 A. M., to 10:30 A. M., on Sunday, October 18, 1953, without at the same time abolishing the work attached to said position, and assigning part of this work to Telegrapher position located at the Yard Office at that point on overtime basis.

(2) That the incumbent of the above mentioned Yard Clerk position at the time of its abolishment, Mr. W. W. Massey, be compensated for all wage loss suffered as a result of this improper abolishment of said position, and any and all other employes adversely affected by the above action be likewise compensated for all wage loss suffered, due to their subsequent displacement from their regular positions, as well as others who may have been deprived of extra or overtime work as a direct result of the above violation of our agreement.

(3) That this Yard Clerk position be restored and the work taken therefrom restored to same.

(4) That Mr. F. H. Bethea, the senior Yard Clerk presently employed at North Little Rock, Arkansas, be compensated at penalty rate for all hours of service performed on the abolished Yard Clerk position, by Telegrapher, outside of his regular assigned hours, when F. H. Bethea was available on a call basis, and if such work not continuous with, before or after his regular assignment, be allowed a minimum of two hours for such call and if in excess of two hours on a minute basis.

(5) It is our understanding that this Yard Clerk position was re-established on November 23, 1953, therefore, this claim covers the period from October 18, 1953, to November 23, 1953, and for any subsequent dates that the position is abolished under similar circumstances.

**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 employes involved in this dispute are respectively carrier and employes 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 7, 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.