

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

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

**ST. LOUIS SOUTHWESTERN RAILWAY COMPANY**

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

(1) That Carrier violated and continues to violate the Clerks' current Agreement when, on March 25, 1954, it began using a Telegrapher, an employee not covered by Rule 1, Scope Rule, of the Clerks' Agreement to perform some of the regularly assigned duties of regularly assigned Car Clerk J. H. Clarkston's position while the incumbent was required to lay aside those duties and perform Yard Clerk work, following the abolishment of the Yard Clerk position, effective with the completion of tour of duty 11:55 P. M., March 25, 1954, at the Tyler, Texas, Yard Office.

(2) That Charles Pappas, Jr., who was displaced from a regular assignment and forced to the extra board, and his successors if there be any, be paid a day's pay at pro rata rate of third shift Yard Clerk from March 25, 1954, to date the violation is corrected. Note: Restitution to the employees to be determined by joint check of payroll and other necessary Carrier records.

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**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 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 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.