

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes on the Missouri Pacific Railroad that the Carrier violated the Clerks' Agreement:

1. When on September 21, 1954, it failed and refused and continued to refuse to permit Clerk D. E. Dwyer to exercise his seniority rights to position of Machine Operator—Clerk, Job No. 157, rate \$14.84 per day in the Special Auditor's Office (Machine Bureau), following abolishment of his position of Card Clerk, rate \$13.58 per day, effective at the close of business, September 20, 1954, in violation of Rule 14 and related rules of the Clerks' Agreement;

2. The Carrier be directed by appropriate order of the Third Division of the National Railroad Adjustment Board to reimburse Clerk Dwyer the wage loss it forced him to suffer during his regularly assigned work week, Monday through Friday, as follows:

September 21, 22, 23, 24, 27, 28, 29, 30 8 days @ \$2.66 per day	\$21.28
October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26 18 days @ \$2.66 per day	47.88
26 days @ \$2.66 per day	<u>69.16</u>

Plus five Saturdays when the position occupied by a junior Clerk worked overtime eight hours each day, namely:

Saturday, September 25, 1954) Saturday, October 2, 1954) Saturday, October 9, 1954) Saturday, October 16, 1954)) Paid on October payroll
Saturday, October 23, 1954)) Paid on November payroll
5 days @ \$14.84 per day	<u>74.20</u>
Total amount of claim	<u>\$143.36</u>

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 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 complainant party; and

That hearing thereon has been held and concluded. Under date of November 2, 1956, the parties jointly 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 12th day of December, 1956.