

Award No. 7570

Docket No. CL-8133

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 Clerks on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When, on May 29, 1955, it failed to utilize the incumbent clerk to perform work required to be performed by the Carrier when neither a regularly assigned Relief Clerk nor the regularly assigned Interchange Clerk were available and there was no extra or unassigned qualified Clerk available that could have been used to fill the Interchange Clerk position.

2. Clerk W. W. Goss shall be compensated for eight hours at the punitive rate of \$2.7487 per hour, or \$21.99, account Carrier's action in violation of the Agreement, Rule 25 (b).

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 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.