

Award No. 7572
Docket No. CL-8757

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

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

1. When, on October 25, 1955, it held Joseph M. Jadow, Telephone Operator-Janitor, Assistant Superintendent's Office, Nevada, Missouri, out of service, and, following investigation held at Nevada on October 26, 1955, unjustly dismissed employe Jadow from the service of the Carrier, and failed and refused and continued to refuse to reinstate Jadow to the service with seniority rights unimpaired and to reimburse him for wage loss suffered until Tuesday, April 17, 1956, when it did reinstate Jadow to the service with seniority rights unimpaired, but without pay for wage loss;
2. Carrier shall be required to compensate Claimant Jadow for all wage loss suffered beginning October 25, 1955 until he was restored to service effective Tuesday, April 17, 1956, account Jadow having been harshly treated and unjustly discharged as result of charges against him that were not sustained by the Carrier;
3. That Joseph M. Jadow shall be paid for the ten days' vacation that was due him and which he was scheduled to enjoy beginning Thursday, November 10, 1955, until and inclusive of Wednesday, November 23, 1955, but which he did not receive because of being dismissed from service, held out of service, commencing October 25, 1955.

FINDINGS: The Third Divisions 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 16, 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.