

Award No. 7699

Docket No. CL-8188

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

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

(a) The Carrier violated the Rules Agreement, effective May 1, 1942, except as amended, particularly Rules 3-B-1, 3-B-2, and 3-E-1, by diverting 83 cars of L.C.L. merchandise on November 10, 1952, 56 carloads on November 11, 1952, and 5 carloads on November 13, 1952. These cars of merchandise, all destined 11th Street Freight Station, Pittsburgh, Pennsylvania, Conemaugh Division, were diverted to freight stations in other seniority districts.

(b) That A. J. Marino and 316 other named regularly assigned employees, as well as all Extra employees, at Eleventh Street Freight Station, who were deprived of the overtime required to unload and handle the diverted freight, each be allowed one day's pay, at the punitive rate, for each of the dates mentioned in the claim, November 10, 11, and 13, 1952, as a penalty. (Docket C-706)

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 January 29, 1957, 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 15th day of February, 1957.