

Award No. 7729

Docket No. CL-7676

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

**PARTIES TO DISPUTE:**

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

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY  
COMPANY (Western Lines)**

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

(a) Carrier violated the Clerks' Agreement and the Vacation Agreement of December 17, 1941, when they failed to allow Receiving-Delivery and Interchange Clerk, A. L. Barton, Position 1860, El Paso Transfer Station, El Paso, Texas, vacation compensation based on the straight time and overtime work of his respective assignment; and,

(b) Receiving-Delivery and Interchange Clerk A. L. Barton, Position 1860, El Paso Transfer Station, El Paso, Texas, be paid the difference between what he did receive as a vacation allowance in the year 1952, and what he should have received had the overtime work assigned to his position been included in the Vacation Allowance.

**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 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 January 10, 1957, 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 25th day of February, 1957.