

Award No. 7751

Docket No. CL-8464

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

GULF, COLORADO AND SANTA FE RAILWAY COMPANY

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

(a) Carrier violated the current Clerks' Agreement when it removed from the scope and operation of that Agreement routine schedule work and requires or permits one who occupies a position wholly excepted from the provisions of the Agreement to perform said routine schedule work; and,

*(b) The senior qualified and available off-in-force-reduction employe on the Southern Division shall now be paid eight (8) hours pro rata rate, at rate of pay of \$15.39 per day for each day violations occur from July 1, 1954, forward until violations corrected; and if there be no such off-in-force-reduction employe, then the senior qualified off-duty Class 1 Clerk at Sweetwater shall be paid eight (8) hours at time and one-half at the rate of his regular position, or at rate of \$15.39 per day, whichever is the higher, from July 1, 1954, forward until violations are corrected.

* NOTE: To be determined by joint check of payrolls and other Carrier records.

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 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.