

**Award No. 7755**

**Docket No. CL-8848**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**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 provisions of the Clerks' Agreement at Hutchinson, Kansas, on December 25, 1954, and January 1, 1955, when it failed to use George V. Kelley to perform work assigned to his regular position on those days; and,

(b) George V. Kelley shall be paid eight (8) hours at the rate of time and one-half in addition to what he was paid at pro rata rate on Position No. 640, Car Clerk, on both days, December 25, 1954 and January 1, 1955, account work performed on Relief Clerk Position No. 375, at Way, Kansas, by occupant of Position No. 775, Chief Yard Clerk.

**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 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.