

Award No. 7779
Docket No. TE-9151

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

WESTERN MARYLAND RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Western Maryland Railway, that:

1. Carrier violated the Telegraphers' Agreement when on the 2nd and 17th days of January, 1956, it caused, required or permitted Conductors Naugle and Turner, respectively, to handle (receive, repeat, copy and deliver) train orders Nos. 415 and 408, respectively, at Hancock, Maryland. Agent-Operator (H. E. Kershner) was ready and available to perform this work but was not called.

2. Carrier violated the Telegraphers' Agreement when on January 23; February 6, February 11 and February 18, 1956, it caused, required or permitted Conductor Vinson, Trainman Kesselring and Conductor Naugle, respectively, to handle (receive, copy, repeat and deliver) train orders Nos. 430, 401, 3030 and 415, respectively, at Hancock, Maryland. Agent-Operator (H. E. Kershner) was ready and available to perform this work but was not called.

3. Carrier will be required to compensate H. E. Kershner, Agent-Operator, Hancock, Maryland, for one call on each date (January 2, 17, 23; February 6, 11 and 18, 1956) under Rule 12 at the rate of this position.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That no hearing thereon has been held, and under date of February 28, 1957, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 11th day of March, 1957.