

Award No. 7873
Docket No. CL-7760

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

**THE BALTIMORE AND OHIO CHICAGO TERMINAL
RAILROAD COMPANY**

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

(a) The Carrier violated the Agreement with the Brotherhood governing hours of service and working conditions when it permitted or required, through assignment or otherwise, certain Mechanical Department employees and others not covered by the Scope Rule of the Clerks' Agreement to tie down or untie freight containers, vans or trailers on freight cars at Forest Hill Freight Station, Chicago, Illinois, in connection with movement of such cars in TOFCEE (piggy back) service beginning with July 20, 1954, and

(b) That Claimants P. J. Kane and John Plefka be compensated at Truckers' rate of pay for the equivalent number of hours that the Mechanical Department employees devoted to the tying down and untying of freight containers, vans or trailers moving in the trailers on flat cars covered by the following waybills:

INBOUND TRAILER NO.	POINT OF ORIGIN	WAYBILL NO.	DATE	DATE HANDLED	WEIGHT
177	Mt. Clare	320006	7/23/54	7/24/54	32947
103	Mt. Clare	321417	7/29/54	7/30/54	30576
234	Mt. Clare	133862	7/29/54	7/30/54	14000
102	Mt. Clare	321416	7/29/54	7/30/54	33547
124	Mt. Clare	321415	7/29/54	7/30/54	33640
128	Phila., Pa.	102480	8/ 4/54	8/ 6/54	26440
148	Mt. Clare	322571	8/ 4/54	8/ 6/54	25500
120	Pitts., Pa.	234941	8/ 6/54	8/ 7/54	29378
238	Mt. Clare	323245	8/ 6/54	8/ 9/54	31057
166	Mt. Clare	323710	8/ 9/54	8/10/54	29738
212	Phila., Pa.	103322	8/16/54	8/17/54	22925
197	Mt. Clare	326231	8/18/54	8/19/54	24250
200	Mt. Clare	327098	8/20/54	8/21/54	31000

INBOUND TRAILER NO.	POINT OF ORIGIN	WAYBILL NO.	DATE	DATE HANDLED	WEIGHT
151	Mt. Clare	327558	8/23/54	8/24/54	27165
235	Mt. Clare	39710	8/30/54	8/31/54	26918
195	Mt. Clare	329711	8/30/54	8/31/54	25000
148	Pitts., Pa.	41909	9/ 2/54	9/ 3/54	23000
159	Mt. Clare	302124	9/ 9/54	9/10/54	26736
146	Mt. Clare	303119	9/13/54	9/15/54	23950
185	Phila., Pa.	355027	8/31/54	9/ 1/54	18500
113	Phila., Pa.	104738	9/ 1/54	9/ 2/54	31450

OUT- BOUND

234	Chgo., Ill.	75532	8/ 6/54	8/ 6/54	14584
166	Chgo., Ill.	370955	8/18/54	8/18/54	24098
197	Chgo., Ill.	373394	8/30/54	8/30/54	22323
148	Chgo., Ill.	373795	8/30/54	8/30/54	20016
230	Chgo., Ill.	82756	9/ 2/54	9/ 2/54	25500
148	Chgo., Ill.	84903	9/10/54	9/10/54	25500
113	Chgo., Ill.	377214	9/10/54	9/10/54	31639
159	Chgo., Ill.	377658	9/14/54	9/14/54	26429

(c) That claim shall be considered as continuing one beginning with July 20, 1954, and subsequent dates to be determined from Carrier's records until the violation is corrected.

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 March 12, 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 15th day of May, 1957.