

Award No. 7881

Docket No. CL-8391

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 RAILROAD COMPANY

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

(a) Carrier violated Scope Rule 1 and other Rules of the Clerks' Agreement at the following freight stations when it required or permitted and continues to require or permit outside truck drivers or individual patrons or their representatives holding no seniority rights under the Clerks' Agreement, to handle freight from various locations on the freight house floor to their motor trucks and trailers:

Case No. 1—Smith Street, Cincinnati, Ohio

Case No. 2—Parkersburg Freight Platform, Parkersburg, W. Va.

Case No. 3—Louisville Freight Platform, Louisville, Ky.

Case No. 4—Fairmont Freight Platform, Fairmont, W. Va.

Case No. 5—Clarksburg Freight Platform, Clarksburg, W. Va.

CASE No. 6—Indianapolis Freight Platform, Indianapolis, Ind.

(b) That Carrier be required to refrain from allowing outside people to perform the freight handling work here involved and that such work shall be assigned to employees of the Carrier holding seniority rights under the Clerks' Agreement.

(c) That Carrier be required to pay the claims as contained in each of six Memorandums of Conference presented in Employees' Statement of Facts.

NOTE:—The disputes are presented in the manner because Carrier has rendered the following decision to each instance:

Section 2 of Article V of Agreement signed at Chicago, Illinois, on August 21, 1954, provides with respect to claims

appealed prior to January 1, 1955, that they must be ruled on within sixty days after that date, failing which they shall be allowed as presented. In view of this provision I am obliged at this time to decline the claim in this case.

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 this 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.