

Award No. 7924

Docket No. CL-8578

**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**

**ILLINOIS CENTRAL RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that the Carrier violated the Agreement between the parties effective June 23, 1922, as subsequently revised; also the Memorandum of Agreement dated October 10, 1940, when:

(A) On February 3rd, March 3rd, March 10th, March 11th, December 24th, 1954,—January 12th, February 10th, February 16th, February 18th, March 2nd, March 4th, March 9th, March 16th, March 17th, March 24th, March 28th, April 8th, April 13th and April 14th, 1955, the Carrier required E. Hall, J. Humphries, S. Avant, E. Griffin, R. H. Coleman, C. Williams, B. Bracy, H. L. Trusty, J. C. Simpson and G. S. Owens, employed as Freight Handlers at the Carrier's freight handling facilities at South Water Street, Chicago, Illinois, to suspend work on their regular positions, and go to Markham Yard to help install and/or remove heaters in cars loaded with perishable freight, and failed and refused to call Cecil Simpson, employed as Heaterman—Truck Operator to perform that class of work, and

(B) That the Carrier shall now be required to pay Messrs. E. Hall, J. Humphries, S. Avant, E. Griffin, R. H. Coleman, C. Williams, B. Bracy, H. L. Trusty, J. C. Simpson and G. S. Owens, in addition to compensation already paid, an additional sum at pro rata rate of their respective positions, for the number of hours that each of said claimants were required to suspend work on their regular positions as Freight Handlers on the dates enumerated above, and

(C) That the Carrier shall now be required to pay Mr. Cecil Simpson for additional sixty-two (62) hours at penalty rate of his position of Heaterman—Truck Operator, (\$13.86 per day) account of Carrier's failure and refusal to call Mr. Simpson to assist with installation and/or removal of heaters on the dates enumerated above.

**NOTE:** Actual monetary consideration involved in Item B hereof, to be determined by joint check of Carrier's payrolls, time book records, etc.

**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 May 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 23rd day of May, 1957.