

Award No. 8112

Docket No. CL-9622

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

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

(1) The Carrier violated the terms of the currently effective Agreement between the parties when on the dates shown in Parts 2 and 3, employees who hold no seniority or other rights under the Clerks' Agreement were used to perform work which is regularly assigned to and performed by claimants, outside the hours of claimants, at Baxter Springs, Kansas.

(2) T. E. Manning now be paid a call on each date, May 18, 21, 24, 28, 30, June 7 and 13, and one hour's overtime on each date, May 10, 11, 14, 15, 29, and June 27, and eight hours at time and one-half on his rest day, July 27, 1956.

(3) T. F. Hudson be paid a call on each date, April 10 and May 8, 1956.

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 employee involved in this dispute are respectively carrier and employee 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 the complainant party; and

That hearing thereon has been held but not concluded. Under date of October 25, 1957 the complainant party 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 4th day of November, 1957.