

Award No. 8347

Docket No. CL-8727

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When it refused and continued to refuse to compensate Clerk S. E. Donnell for the holiday, Thursday, November 24, 1955, at the rate of the position of General Clerk at Independence, Missouri, rate \$14.06 per day, which he was occupying by virtue of his seniority rights and Agreement provisions, and instead compensated Clerk Donnell for the holiday at the rate of \$12.20, which rate attached to the position of Night Baggage man at Sedalia, that Donnell had left to go to Independence to fill the vacation vacancy there upon General Clerk position, Monday, November 7, 1955, through Friday, November 25, 1955;

2. The Carrier shall be required to compensate Clerk Donnell in the amount of difference in the rate of Night Baggage man, Sedalia, and that of General Clerk, Independence, Missouri, \$1.86, to which he was justly entitled as the occupant, under the provisions of Rule 9 (a) of the Clerks' Agreement, and Article II, Section 1, of Chicago Agreement of August 21, 1954.

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 complainant party; and

That hearing thereon has been held and concluded. Under date of May 19, 1958, 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 5th day of June, 1958.