

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

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

(1) Carrier violated the Clerks' Agreement when it failed and refused and continued to refuse to compensate Messenger Hans Frost, 23rd Street Yard Office, St. Louis, Missouri, in accordance with provisions of Rules 25 (b) and 26 (b) at the punitive rate for the holiday, Thursday, July 4, 1957, instead of at the pro rata rate when he was the incumbent of the authorized overtime work on the holiday.

(2) That the Carrier shall be required to pay Messenger Frost the difference between the pro rata rate of \$14.24 allowed, and the punitive rate of \$21.36, to which he was entitled, amount \$7.12, account Carrier's failure to properly apply the Agreement.

FINDINGS: The Third Division of the Adjustment Board upon the whole record and all the evidence, finds and holds:

That both parties to this dispute waived oral hearing thereon;

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 by Ex Parte Submission; and

That 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.

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.