

Award No. 8397

Docket No. TE-8785

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Chesapeake District)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Chesapeake & Ohio Railway (Northern Region, formerly known as Chesapeake District), that:

1. The Carrier violated and continues to violate the provisions of the agreement between the parties when it requires or permits employees holding no rights under the scope of said agreement at Mosel Yard Office, Columbus, Ohio, to transmit and receive communications by teletype; and

2. If the Carrier elects to continue the performance of this communications work of record at Mosel Yard Office, Columbus, Ohio, it shall be performed by and be assigned to employees coming under the agreement in accordance with the rules of said agreement; and

3. For each 8-hour period of each day, commencing February 14, 1955, and continuing until the violations are corrected, the Carrier shall be required to pay the employees under the agreement on the seniority district, an amount equal to 8 hours' pay at the established rate for such work.

FINDINGS: The Third Division of the Adjustment Board finds:

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 and concluded. Under date of June 27, 1958, the Organization addressed a formal communication to the Executive Secretary of the Third Division, requesting withdrawal of this case from further consideration by the Division. Under date of July 2, 1958, the Carrier addressed a formal communication to the Executive Secretary of the Third Division concurring in the Organization's request for withdrawal of the case from the Board. The request of the parties is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 10th day of July, 1958.