Award No. 8405

Docket No. TE-9861

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 and Ohio Railway that:

1. The Carrier violated and continues to violate the provisions of the agreement between the parties when it requires or permits employes holding no rights under the scope of said agreement at East Yard Office, Hinton, West Virginia, to transmit and receive communications of record by teletype; and

2. If the Carrier elects to continue the performance of this communication work of record at East Yard Office, Hinton, West Virginia, it shall be performed by and be assigned to employes coming under the agreement in accordance with the rules of said agreement; and

3. For each 8 hour period of each day, commencing August 6, 1956, and continuing until violations are corrected, the Carrier shall be required to pay the employes 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.