

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

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 March 2, 1957, it refused to permit senior Clerk George C. Darrah in the Kansas City Terminal seniority district to exercise seniority over a junior clerk on the Chief Yard Clerk position in the Rosedale Yards upon the allegation that he was not qualified, and without any consideration for his fitness and ability.

(2) George C. Darrah now be allowed the difference between the rate of the Chief Yard Clerk position and the rate of the Per Diem Clerk position No. 14, on which he was required to displace as a result of this violation, \$1.08 per day, from April 29, 1957 to May 20, 1957.

(3) L. G. Whitlock now be paid the difference between the Per Diem Clerk Position No. 14 and the rate of Switching Settlement Clerk position No. 13, or 18 cents per day for each date, May 6, 7, 8, 9, 10, 13, 14, 15, 16, and 17, account being displaced by Mr. Darrah as a result of this violation.

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

That the carrier and the employe involved in this dispute are respectively carrier and employe 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 was waived by the parties and under date of August 6, 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 10th day of September, 1958.