

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

THE ORDER OF RAILROAD TELEGRAPHERS  
THE DELAWARE, LACKAWANNA AND WESTERN  
RAILROAD COMPANY

**STATEMENT OF CLAIM:** 1. The Carrier violated the provisions of the Telegraphers' Agreement when and because at 6:39 P.M. February 26, 1953, it issued Train Order No. 110 at Stroudsburg Tower which governed the movement of Engine 662-A between Portland and Netcong and which was directed to be carried into Portland from Stroudsburg by another train for delivery to the addressees at Portland and at a time agent-operator Dalberg at Portland was off duty; in consequence thereof Agent Dalberg shall be allowed a "call" payment under Article 5(a) of the Telegraphers' Agreement.

2. The Carrier violated the provisions of the Telegraphers' Agreement when and because at 6:16 P.M. on December 18, 1952 it issued Train Order No. 11 at Bernardsville which was addressed to Train No. 431 at Gladstone, which governed the movement of Train No. 431 out of Gladstone and which was directed to be carried into Gladstone for delivery by train No. 428 to Train No. 431 at a time the operator at Gladstone was off duty; in consequence of this violation and similar violations on subsequent dates operator R. A. Pellock or his successors at Gladstone shall be allowed a "call" payment for each such violation in accordance with the provisions of Article 5(a) of the Telegraphers' Agreement. The records to be jointly checked to determine the payee or payees subsequent to December 18, 1952.

**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 December 5, 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

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon  
Executive Secretary

Dated at Chicago, Illinois, this 18th day of December, 1958.