

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE DELAWARE, LACKAWANNA AND WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware, Lackawanna and Western Railroad, that:

1. That Carrier violated the Agreement between the parties when beginning on May 1, 1938, it abolished three (3) telegraphers' positions at Elmira Yard Office, New York, without, in fact, abolishing the work, instead, transferring same to crew callers; and
2. As a consequence of the violation, Carrier be required to pay
 - (a) Each of the three (3) senior idle extra employes a day's pay for each day of the violation commencing May 1, 1938, continuing through April 30, 1945; and
 - (b) Each of the three (3) senior idle employes (extra preferred) a day's pay for each day of the violation commencing March 1, 1945, and thereafter as long as the violation continues.
3. The identity of the individuals entitled to receive payment to be determined by a joint check of the Carrier's records.

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.

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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.