

Award No. 8600
Docket No. TE-8658

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. The Carrier violated the agreement between the parties when it permitted N. R. Reddy, regularly assigned occupant of the third shift towerman's position at Denville, New Jersey, to improperly perform relief service on the third shift towerman's position at Mountain View, New Jersey Tower on Thursday, May 5, 1955.

2. The Carrier shall compensate J. F. McCleary, the regular assigned occupant of the third shift towerman's position at Mountain View Tower, an amount equivalent to eight (8) hours at the time and one-half rate for May 5, 1955, which he would have earned except for Carrier's violative act in relieving Claimant by an employee not entitled to perform relief service at Mountain View Tower.

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.