

Award No. 8601
Docket No. TE-8899

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) Carrier violated the Agreement between the parties when it improperly used Towerman R. E. Moore off his third-shift assignment at East Buffalo Tower to perform vacation relief service on the agent's position at Wayland, New York, during the period July 11 through 29; and

(2) Carrier shall now compensate Claimant Moore for eight (8) hours at the pro-rata rate of his East Buffalo assignment for each day July 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26 and 29, or \$211.56, because he was improperly suspended from his position. And, in addition, Carrier shall compensate Claimant Moore an amount equivalent to the difference between the time and one-half rate, and the straight time rate allowed him, for services performed at Wayland, New York, on July 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27 and 29 outside the hours of his regular assignment and on the rest days thereof. Total amount due Claimant \$330.23.

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.