

Award No. 8603

Docket No. TE-9383

**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:** 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 failed and refused to compensate Extra Telegrapher D. W. Clark, occupant of a temporary vacancy on 1st shift Elmira Ticket Office, Elmira, N. Y., for November 23, 1955, on which date he was ordered to report to Scranton, Pa., for physical examination thereby losing a day's work.

(2) Carrier shall, in accordance with Article 13 of said Agreement, compensate D. W. Clark for a day's pay of \$14.82, plus \$15.40 mileage allowance (220 miles at 7¢ per mile) and \$3.25 meal expense.

**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.