

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 and continues to violate the Agreement between the parties when, commencing at 8:05 A.M., Tuesday, March 13, 1956, it removed from service the Interlocking Tower at Paterson Junction, New Jersey, transferred the work of operating interlocked switches, derails and signals, formerly operated by employees covered by the Telegraphers' Agreement from Paterson Junction Tower, to employees outside the Agreement in the Train Dispatcher's Office at Hoboken, New Jersey, who now perform this work by remote control operation.

(2) The Carrier shall now be required to pay each of the three (3) senior idle employees, extra in preference, under the Telegraphers' Agreement, eight (8) hours pay for each day (3 eight hour shifts) commencing with Tuesday, March 13, 1956, and thereafter so long as the violation continues to exist.

(3) The Carrier's declination of the claim prior to the conference was improper and in violation of the Railway Labor Act and Article V, paragraphs (a) and (b) of the August 21, 1954 Agreement, and in consequence thereof claim shall be allowed as presented.

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

Case 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.