

Award No. 8613

Docket No. TE-9696

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 Co., that:

(1) H. A. Strait, who was regularly assigned to Relief Position No. 7 effective March 14, 1956, but who was not permitted to assume duties thereon, but was, instead, required by the Carrier to perform emergency relief service at other location in violation of Article 16 paragraphs c-1 and c-2 of the Agreement between the parties.

(2) The Carrier shall, because of said violation, for a period of sixty (60) days retroactive from June 2, 1956, compensate Claimant Strait for eight (8) hours at the rate of his regularly assigned position, except that for such work as he performed on Sunday and Monday, the assigned rest days of his position, he (Strait) shall be paid the time and one-half rate; and, in addition hereto, Claimant Strait shall be paid under the provisions of Article 15 for any work performed by him on positions other than his regular assigned position, with a joint check of Carrier's records to determine the amount due Strait.

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 was waived and 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, 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.