

**Award No. 8621**

**Docket No. TE-9756**

**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:

**CLAIM NO. 1:** (1) The Carrier violated the Agreement between the parties when, in changing the rest days, and thus the work week of D. Cuccherini, first shift Towerman Tobyhanna Tower, he was suspended from work on Saturday, September 22, 1956.

(2) The Carrier shall, because of the violation set forth above, compensate D. Cuccherini, for a day's pay at the straight time rate of the position occupied.

**CLAIM NO. 2:** (1) The Carrier violated the Agreement between the parties when, in changing the rest days, and thus the work week of M. J. Strucko, occupant of Cycle Relief Position No. 4, Home Station Tobyhanna Tower, it required him to work on Saturday, September 22, 1956, a rest day of the position occupied, for which he received pay at the pro rata rate.

(2) The Carrier shall, because of the violation set forth above, compensate M. J. Strucko the difference between the straight time rate paid, and the time and one-half rate due for work performed on his rest day.

**CLAIM NO. 3:** (1) The Carrier violated the Agreement between the parties when, in changing the rest days, and thus the work week of W. C. Hagen, second shift Plymouth Jct. Tower, it required him to take three consecutive rest days, thereby suspending him from work on Monday, October 8, 1956.

(2) The Carrier shall, because of the violation set forth above, compensate W. C. Hagen for a day's pay at the straight time rate of the position occupied.

**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.