

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:

Claim No. 1: (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 Junction Tower, it required him to work on Monday, February 25, 1957, 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 W. C. Hagen the difference between the straight time rate paid, and the time and one-half rate due for work performed on his assigned rest day.

Claim No. 2: (1) The Carrier violated the Agreement between the parties when, in changing the rest days and thus the work week of R. Pascoe, Second Shift, Bridge 60 Tower, Scranton, it required him to work on Wednesday, February 27, 1957, a rest day of the position occupied, for which he received pay at pro-rata rate.

(2) The Carrier shall, because of the violation set forth above, compensate R. Pascoe, the difference between the straight time rate paid and the time and one-half rate due for work performed on his assigned 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 P. J. Gillespie, third shift, Bridge 60 Tower, Scranton, Pa., it suspended him from work on Wednesday, February 27, 1957.

(2) The Carrier shall, because of the violation set forth above, compensate P. J. Gillespie, a day's pay (\$18.128) account not permitted to work on said date, a work day of his position.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

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.