

**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) The Carrier violated the Agreement between the parties when it failed to notify R. E. Moore, the regular occupant of the third shift position in East Buffalo Yard Office (Buffalo, N. Y.) that a vacancy existed on the first shift position in this same office in accordance with Article 17 (c) of said Agreement.

(2) The Carrier shall, because of the violation set forth above, compensate R. E. Moore a day's pay at the hourly rate of \$2.206 for each day (12) commencing February 23 through March 11, 1957 (not including rest days) on which he was denied the right to advance to the first shift position in addition to the pay he received for working his regular assignment.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe 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 no hearing thereon has been held 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 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.