

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 the Agreement between the parties when, at Utica, New York, on Sunday, June 2, 1957, one of Claimant's rest days, it required or permitted E. H. Penner, Conductor on No. 1820 to call Extra Conductor L. E. Conklin, who in turn called Trainman F. Eldred at Norwich, New York, over the telephone to protect the Monday run of No. 1820.

(2) The Carrier shall, because of the violation set forth above, pay to R. S. Davis, regular occupant of the second shift Clerk-Operator's position at Utica, New York, who was available for a "call" in accordance with the provisions of Article 8, Section 1 (m) B (1) of the Agreement.

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 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, 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.