

Award No. 8644

Docket No. TE-10486

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, on the 13th day of May, 1957, it abolished the position of Clerk-Operator at Berwick, Pa., and concurrent therewith required or permitted an employe not covered by the Telegraphers' Agreement to handle messages, orders or reports of record over the telephone.

2. The Carrier shall, because of the violation set forth above, commencing on May 13, 1957, and so long thereafter as the violation continues, compensate the senior idle telegrapher, extra in preference, a day's pay at the rate of the abolished Clerk-Operator's position. Payee and amounts to be determined by a joint check of the Carrier's records.

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.