

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 parties' agreement when in changing the rest days and thus the work week of Paul Warner, occupant of Cycle Relief Position No. 15, it failed to give the required 72 hours' notice as provided by Article 8, Section 1(L) of said Agreement,

(2) The Carrier further violated the parties' agreement when due to said change of rest days, it required Paul Warner to work Friday, May 10, 1957, a rest day of the position occupied for which he received pay at the pro-rata rate, and

(3) The Carrier additionally violated the parties' agreement when, in changing said rest days, it required Paul Warner to suspend work on Saturday, May 11 and Sunday May 12, 1957.

(4) The Carrier shall, because of the violations set forth above, compensate Paul Warner as follows:

(a) The difference between the straight time rate paid for work performed on Friday, May 10, 1957, and the time and one-half rate due for work performed on his rest day, less amount paid him.

(b) A day's pay at the straight time rate of the position occupied for Saturday, May 11 and Sunday, May 12, 1957, less amount paid him.

**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.