

**Award No. 8654**

**Docket No. TE-10696**

**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 and continues to violate the parties' Agreement, which includes Item 13, paragraph 3 (F) of the Mediation Agreement A-4167 dated June 9, 1953, when, effective May 8, 1957, it unilaterally consolidated the Ticket-Agent-Operator's position at the Passenger Station, and the Freight-Agent Operator's position at the Freight Station, Paterson, New Jersey, (one mile apart), and thereafter required the occupant of the consolidated position to perform service at both locations.

2. The Carrier shall, because of the violation set forth above, restore the respective Ticket-Agent-Operator's and the Freight-Agent-Operator's positions to the Agreement, and return the former occupants thereto, and compensate them in accordance with the provisions of Article 15, for service performed away from their regular assignment, and

3. The Carrier shall, in addition, return all other employees to their respective positions who were, as a result of said consolidation, improperly displaced from their regularly assigned positions, and compensate them in accordance with the provisions of Article 15, for service performed away from their regular assignments, and finally

4. The Carrier, shall, in addition to the foregoing, pay to the senior idle employee, extra in preference, a day's pay at the rate of the consolidated position, for each day commencing May 8, 1957, or until the said positions are restored to the Agreement and their former occupant returned thereto.

**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.