

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE DELAWARE AND HUDSON RAILROAD CORPORATION

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware & Hudson Railroad, that:

1. Carrier violated Agreement when on April 9, 1955, it caused, required or permitted Conductor Kilburn, a train service employe, not covered by Telegraphers' Agreement to handle (receive, copy and deliver) train order No. 11 at Essex, New York.

2. Carrier violated agreement when it failed and refused to compensate Fred F. Crossman, agent and telegrapher, Essex, New York in accordance with Rules 23 (a) and 3 (d) account Conductor Kilburn handled train order No. 11 at Essex, New York, on April 9, 1955.

3. Carrier violated the August 21, 1954 agreement between the parties when and because its officers, agents and other designated representatives failed and refused to comply with Article V, Section (a) and (c) thereof in handling the foregoing claim and thereafter failed and refused to allow such claim as provided in said agreement.

4. Carrier shall compensate Fred F. Crossman, agent and telegrapher, Essex, New York for two hours at one and one-half times pro rata hourly rate for violations occurring on April 9, 1955.

FINDINGS: That the dispute was certified to the Third Division of the Adjustment Board jointly by the parties; and

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of December 22, 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

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 4th day of February, 1959.