

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the O.R.T. that W. J. Arbucho, regular assigned Assistant Train Director, "A" Tower third trick, rest days Tuesday and Wednesday, was available and not used to work the Assistant Train Director's position at "A" on Tuesday, June 18th and on Wednesday, June 19th, 1957, but instead, regular assigned employes were diverted to make rest day relief in violation of Regulations 5-G-1, Awards 5271, 5475 and 6524.

The regular assigned Relief Assistant Train Director who covers the third trick Assistant Director's position on Tuesday and Wednesday was on vacation. The rest day relief was accomplished as follows: On June 18, 1957, E. Peishell, regular assigned third trick Leverman at "A" was diverted from his regular assignment to work the Assistant Train Director's position, third trick, vice relief employe who was on vacation.

On Wednesday, June 19, 1957, W. A. O'Toole, regular assigned relief employe at "A", whose schedule comprehends working second trick Train Director's position on Saturday; Assistant Train Director on Sunday; Telegrapher on Monday; Train Director on Tuesday and third trick Levers on Wednesday, was diverted to work the Assistant Train Director's position vice the regular relief employe who was on vacation.

Regulation 5-G-1 and N.R.A.B. Awards hold that rest day relief must be made, first by the regular relief employe; secondly, by an available extra employe and if none available, then by the regular incumbent. The claimant is the regular incumbent and should have been called in the absence of the relief employe and an extra employe. Claim is valid and it should be allowed.

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 August 14, 1959, the parties jointly addressed a formal communication to the Secre-

tary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: F. P. Morse
Acting Secretary

Dated at Chicago, Illinois, this 15th day of September, 1959.