

Award No. 8979

Docket No. CL-10022

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

WABASH RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) Carrier violated the rules of the Schedule for Clerks and continues to violate said rules, when on or about January 16, 1956, three employees assigned as messengers at Kansas City, Missouri, namely: Richard D. Glathaar, James E. Whitaker and Robert C. Noel, were furnished with and required to operate a half-ton panel truck for use in the performance of their duties as messenger, and assume newly assigned duties in connection with the operation of the truck such as transporting company material, office supplies, etc., with no adjustment in their rate of pay nor change in their classification as messengers.

(2) Messengers Richard D. Glathaar, James E. Whitaker and Robert C. Noel, who were assigned as messengers with the effective date the panel pick-up truck was placed in operation on or about January 16, 1956, be compensated at rate of \$1.82 per hour or \$14.56 per day from on or about January 16, 1956 to November 1, 1956, plus subsequent wage increases granted, less compensation received as messengers. This claim to include other employees who may have been regularly or temporarily assigned to the positions designated as Messengers, subsequent to the effective date of the truck operation, and continue in force and effect until the violation is corrected.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That carrier and employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

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 August 11, 1959, the parties jointly advised the Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division which request is hereby granted.

AWARD

Case 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.