

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Norfolk Southern Railway that:

1. The Carrier violated the Agreement between the parties when it permitted or required an employe not covered by the Telegraphers' Agreement, and having no rights or seniority under said agreement to transmit by telephone a report of record, from New Bern, North Carolina to Raleigh, N. C. on April 29, 1958, at a time when the Operator-Clerk was off duty.

2. Because of such violation the Carrier shall be required to compensate Operator-Clerk A. H. Whitty in the amount of a "call" (two hours at overtime rate), said Whitty being available for this service.

**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 hearing was waived and under date of September 21, 1959, 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**

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **THIRD DIVISION**

**ATTEST:** S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 13th day of October, 1959.