

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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**PARTIES TO DISPUTE:**

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

**THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY**

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

(a) The Carrier violated the Clerks' Agreement when, on June 13, 1955, it assigned student rate clerk positions to Mr. Jas. Volpert and Mr. R. R. Doheney, seniority datings February 16, 1950 and June 6, 1950, respectively and refused to accept the applications of Miss Margaret C. Smith and Mrs. Louise Kenny, seniority datings of June 6, 1942 and January 22, 1944, respectively, for these positions.

(b) That the Carrier be required to make whole Miss Smith and Mrs. Kenney, the same as if the Agreement had not been violated, by

1. In addition to the compensation for the work performed during the period, compensate them for the position of Student Rate Clerk at the straight-time rate from June 13, 1955, until November 15, 1955, and at the straight-time rate of the positions as Rate Clerks held subsequent to the latter date by Jas. Volpert and R. R. Doheney until the claimants are placed on Student Rate Clerks' positions.

2. That the training the claimants are given on the positions as Student Rate Clerks be at least as thorough and complete as was the training given the two junior employes erroneously awarded the positions which are the subject of this claim and for the period of time set out in the Bulletins of such positions; and,

3. That they be compensated for the loss in earnings from the date they are placed on Student Rate Clerks' positions by an amount equal to the difference in the rate of such positions and the rate of the posi-

tions of Rate Clerk held by Volpert and Doheney, provided they continue to occupy Rate Clerks' positions, or, if for any reason they are removed from a Rate Clerk's position held, until such time as the claimants have completed such training and are awarded a Rate Clerk's position paying the same rate as the positions which Volpert and Doheney have been awarded, or the claimants are permitted to displace such employees.

**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 employes involved in this dispute are respectively carrier and employes 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 October 19, 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: S. H. Schulty  
Executive Secretary

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