

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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, on July 14, 1953, it suspended Operator-Clerk Homer C. Spell from his regular assignment at Bailey, North Carolina (12:00 Noon to 8:00 P. M.), and required him to proceed to Neverson, approximately three and one-half miles distant to copy train order No. 50, and deliver same to Extra 1608 North, in the absence of any emergency.

2. The Carrier shall be required to compensate Operator Spell to the extent of a day's pay for this service performed at Neverson in addition to that received for his regular assignment at Bailey.

3. The Carrier violated the agreement between the parties when, on September 19, 1953, it suspended Operator-Clerk C. W. Fish from his assignment at Bailey, North Carolina (8:00 A. M. to 4:00 P. M.) and required him to proceed to Neverson to copy train orders Nos. 48, 50 and 52 and deliver same to trains No. 98 and Extra 1504 North, respectively, when no emergency existed.

4. The Carrier shall be required to compensate Operator Fish to the extent of a day's pay, in addition to that of his regular assignment at Bailey, because of having required the performance of this work at Neverson.

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 thereon has been held and concluded. Under date of October 26, 1959, 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.

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AWARD

Claim dismissed.

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

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

Dated at Chicago, Illinois, this 23rd day of November, 1959.