

**Award No. 9131**

**Docket No. TE-10276**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**MISSOURI PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad that:

1. Carrier violated the Agreement in effect between the parties when it declined and refused to permit Telegrapher O. E. Cunningham to exercise his seniority rights and displace Agent-Telegrapher E. G. Perryman at Avondale, Colorado.

2. Carrier shall compensate Telegrapher O. E. Cunningham, beginning with July 15, 1957 and continuing for each work day of the Agent-Telegrapher position at Avondale, Colorado, until he is placed on the position at the difference between what he will be paid while held off his rightful position and what he would have earned on the Avondale position to which his seniority entitled him. In addition to this difference in pay, Carrier will also pay Telegrapher Cunningham a sum equal to all the necessary expenses incurred by him while working away from the position he is entitled to work, including any expense incurred while traveling to and from his home at Avondale, Colorado on his rest days or any other day.

**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 the hearing was waived and under date of December 31, 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 11th day of January, 1960.