

Award No. 9146
Docket No. TE-11051

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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 between the parties when on the 9th day of December, 1957, it failed to use R. J. Diffie, the regular assigned employe covered by the Telegraphers' Agreement, who was on duty and entitled to perform the work, and required or permitted Section Foreman Bell, an employe not covered by the Agreement, to transmit a communication of record by telephone at Chidester, Arkansas.

2. Carrier shall now compensate R. J. Diffie, the difference in the rate of pay between Agent-Restricted Operator and Agent-Telegrapher, for 8 hours for December 9, 1957.

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 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.