

Award No. 9164
Docket No. CL-9767

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

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

KANSAS CITY TERMINAL RAILWAY COMPANY

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

(a) The Carrier violated the provisions of Rule 37 (a) during the period September 1, 1949, to February 17, 1956, when it permitted and/or required Assistant General Foremen, Mail and Baggage Department, to work in excess of eight hours on their work days and failed to compensate them for such work in excess of eight hours, and;

(b) The Carrier pay Assistant General Foremen R. E. Stephens, Thomas Ellerton, John G. Ellis, J. H. Ammerman and Vern F. Juel and other employees who relieved them on rest days or worked in their place on other days one additional hour's pay at the overtime rate of their respective positions for each day worked (including vacation days) during the period September 1, 1949, to February 17, 1956.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties. Under date of December 11, 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 11th day of January, 1960.