

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

NORFOLK AND WESTERN RAILWAY COMPANY

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

(a) The Carrier violated the Agreement when at Bluefield, West Virginia, on April 23, 1958, it issued vacancy bulletined incorrectly describing the duties of Chief Clerk to Terminal Trainmaster—in effect, abolishing the Chief Clerk position and creating another—and removed the successful bidder, H. L. Graham, therefrom because of alleged inability to perform certain bulletined duties, which duties were not defined or specified.

(b) The position of Chief Clerk to Terminal Trainmaster, Bluefield, West Virginia, shall now be bulletined and the duties correctly described. H. L. Graham, F. E. Gerarheart, J. B. Barrett and C. H. Murphy, Jr., their substitutes and/or successors, shall now be paid for all loss of wages and actual necessary expenses incurred as a result of Carrier's wrongful action. Claim to be effective May 23, 1958 and on each day thereafter that the violation is permitted to exist.

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 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 was waived by the parties and under date of December 28, 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.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of January, 1960.