

Award No. 9271

Docket No. CL-11125

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that the Carrier violated the Agreement between the parties when:

(A) On June 1, 1958, Carrier arbitrarily removed H. S. James and his position of Cashier at Millington, Tennessee, from the Mississippi Division Seniority Roster, and transferred both to the Memphis Freight Station Seniority Roster, and

(B) That the Carrier shall now be required to return the position of Cashier at Millington, Tennessee, and the incumbent thereof, H. S. James, to the Mississippi Division Seniority Roster from which it was arbitrarily removed, and

(C) That as a penalty, because of such violative action, the Carrier be required to compensate H. S. James a day's pay at the rate attaching to said Cashier's position, in addition to the daily compensation he (James) has been paid from June 1, 1958, and forward to the date said Cashier's position and the incumbent thereof, H. S. James, are restored to the Mississippi Division Seniority Roster.

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

That the Carrier and the Employee involved in this dispute are respectively carrier and employee 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 January 25, 1960, 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 24th day of March, 1960.