

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier has violated and continues to violate the provisions of the Clerks' Agreement by reason of its failure and refusal to call Roundhouse Clerk Mrs. Ruth Smith on April 30, 1955, and subsequent rest days, to perform work normally and regularly assigned to her during the work week, Monday through Friday.

(b) Roundhouse Clerk Mrs. Ruth Smith at Winnemucca, Nevada shall now be compensated for a minimum call of two hours at the rate of time and one-half, for April 30 and all subsequent rest days on which Mechanical Foreman Williams has marked the Enginemen's Board on her rest days between the hours of 4:00 P. M. and 12:00 Midnight.

NOTE: Dates on which Mechanical Foreman Williams marked the Enginemen's Board on the Roundhouse Clerk's rest days to be determined by a joint check of the Carrier's records.

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

That the carrier and the employe involved in this dispute are respectively the carrier and employe 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 February 23, 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.