

Award No. 9423

Docket No. CL-10753

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC
RAILROAD COMPANY**

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

1. Carrier violated the rules of the Clerks' Rules Agreement at St. Paul, Minnesota when it failed to call Relief Perishable Freight Inspector W. B. Kelly to fill PFI Position R-18 on October 29 and 30, 1957 and PFI Position R-19 on October 31, 1957 which were temporarily vacant on those dates, and in lieu thereof called the Ice House Laborer, Steve Piech.

2. Carrier shall compensate Employee W. B. Kelly for eight (8) hours at the penalty rate of PFI Position R-18 for October 29 and 30 and for eight (8) hours at the penalty rate of PFI Position R-19 for October 31, 1957.

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

That the Carrier and 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 April 29, 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
Secretary

Dated at Chicago, Illinois this 18th day of May, 1960.