

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ATLANTA JOINT TERMINALS

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

(a) That the Carrier violated the Agreement when, on December 22, 1958, it failed and refused to award Relief Clerk position C-1 to Claimant W. M. Rowland, the senior bidder having sufficient fitness and ability; and further violated the Agreement by awarding the position to Clerk R. D. Evans, who did not bid on the position.

(b) Claimant W. M. Rowland shall now be additionally compensated one day at pro-rata rate, plus one day at time and one-half the rate of the Train Record Clerk position (\$19.54) for December 25, 1958; one pro rata days pay for December 27, 1958, at rate of Assistant Chief Yard clerk (\$22.03); and one day at pro-rata rate for December 28, 1958, at the rate of Assistant Chief Yard Clerk (\$22.03).

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 therein was waived by the parties and under date of July 21, 1960, the complainant party 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 4th day of August, 1960.