

Award No. 9561

Docket No. CL-11794

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

WABASH RAILROAD COMPANY

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

(1) Carrier violated the Schedule for Clerks when on Sunday, March 8, 1959, it utilized regular assigned freight handler and unassigned clerk F. V. Polette, St. Louis, Missouri, to work eight (8) hours as yard clerk after he had worked his regular assigned work day as freight handler on Sunday, March 8, 1959, and failed and refused to compensate him at the punitive rate for the eight (8) hours he was utilized as yard clerk on March 8, 1959, and failed and refused to call regularly assigned Chief Yard Clerk, Ray Hartz, senior clerk off on his rest day.

(2) Mr. F. V. Polette shall be compensated for the difference between straight time rate he was paid and punitive rate for eight (8) hours he was worked on Position No. 5, yard clerk, on March 8, 1959, account carrier's action in violation of a proper application of the agreement.

(3) Mr. Ray Hartz, Chief Yard Clerk, off on his rest day be paid the punitive rate of Position No. 5, yard clerk, for eight (8) hours on March 8, 1959, due to being run-around on seniority by using junior unassigned extra clerk F. V. Polette.

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 July 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
Executive Secretary

Dated at Chicago, Illinois, this 16th day of September, 1960.