

Award No. 9923

Docket No. CL-12369

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood (GL-4867) that:

(a) The Carrier violated and continues to violate the rules of the Clerks' Agreement by permitting and/or requiring employes outside the agreement to perform routine clerical work at San Jose, California; and

(b) Mr. B. N. Gage, occupant of the position of first trick Train Desk Clerk at San Jose, and his relief Mr. A. H. Jensen, and/or their successors are entitled to and shall be compensated for minimum call on April 22, 25; May 1, 2, 4, 5, 8, 22, 23, 25, 27, 28; June 4, 6, 8, 9, 10, 11, 12, 1959, and each subsequent date that a like violation occurs.

Note: Dates of the violations to be determined by a joint check of the Carrier's records.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That no hearing thereon has been held, and under date of March 9, 1961 the parties jointly advised the Secretary of the Third Division of their desire to withdraw this case, 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 14th day of April, 1961.