

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 violated rules of the Clerks' Agreement when it required Mr. D. B. Rickman, occupying position of Team Track Checker at Oakland, California, to vacate his position on December 24, 30, and 31, 1958 and required him to go to the Oakland Mole to check sugar; and

(b) Mr. D. B. Rickman is entitled to and shall now be additionally compensated for 8 hours, 7¼ hours and 7½ hours overtime on December 24, 30, and 31, 1958 respectively.

(c) The Carrier further violated the rules of the Clerks' Agreement when it required Mr. D. B. Rickman, occupying position of "Checker" at the Oakland Mole, to vacate his assignment on April 30, 1959 and ordered him to go to the Team Track to operate the crane; and

(d) Mr. D. B. Rickman is entitled to and shall now be additionally compensated for 7¼ hours at the overtime rate for service performed in working as crane operator at the Team Track on April 30, 1959.

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 June 5, 1961, 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 29th day of June, 1961.