

Award No. 9982

Docket No. CL-12111

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 that:

(a) The Carrier violated the rules of the Clerks' Agreement when it used Mr. H. Delahoussaye to perform work of revising waybills at San Jose, during the period December 26, 1958 through January 13, 1959; and

(b) Employees who were denied the opportunity to perform the work involved in revising of waybills at San Jose be additionally compensated for 8 hours at the overtime rate for each day as follows:

Claimant	Days Involved
B. N. Gage	December 26, 1958, January 2 and 8, 1959
W. A. Soule	December 27, 1958, January 10, 1959
M. G. Willoughby	December 29, 1958, January 5 and 12, 1959
J. F. Maloney	December 30 and 31, 1958, January 7 and 13, 1959
H. H. Singh	January 3, 1959
P. B. Hazlett	January 9, 1959

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

That the Carrier and Employees involved in this dispute are respectively Carrier and Employees 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.