

Award No. 10018

Docket No. CL-12481

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

**NEW YORK CENTRAL RAILROAD
GRAND CENTRAL TERMINAL**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-4881):

(1) The Carrier violated the Agreement on December 7th, 1959 by their failure to assign the senior qualified Class 1 employe to unassigned work on his rest day, but instead assigned a regularly assigned Class 2 employe to perform the work on his rest day.

(2) That Carrier be required to pay John McAuliffe eight (8) hours' pay at the punitive rate of \$3.7788 per hour for not being called as accorded by his contractual seniority rights under the current and existing Agreement.

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

That the Carrier and Employe involved in this dispute are respectively carrier and employe 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 7, 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
Secretary**

Dated at Chicago, Illinois, this 21st day of July 1961.

Champlin-Shealy Co., Chicago, Ill.

Printed in U. S. A.