

Award No. 10268
Docket No. CL-11702

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE BELT RAILWAY COMPANY OF CHICAGO

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

(a) Carrier violated the provisions of the current Clerk's Agreement on Saturday, August 30, 1958, when it unilaterally assigned twenty-one (21) persons, identified as Maintenance of Way Employees, on their assigned rest day, to perform the handling and trucking of freight at the Clearing Freight House, Chicago, Illinois.

(b) Those adversely affected be paid wage loss sustained, to wit: H. Polus, A. Rose, G. Connolly, F. Livorsi, F. McGrath, P. Belsky, J. Gierhahn, J. Keaney, F. Babski, J. Behnke, M. Griffin, E. Ward, J. Jelen, M. Kennedy, W. Colehower, H. Ruhwedel, E. Hacker, R. Ryan, M. Hudak, W. Wawrzasek and J. Yurgine, be compensated for a day's pay, at the applicable penalty rate.

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 December 6, 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 19th day of December 1961.