

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY

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

(1) That Carrier violated rules of the current Agreement between the parties when effective April 12, 1957, it abolished a position with payroll classification of Store Clerk in the Stores Department at Wensford and assigned the duties thereof to Mechanical Department Laborers and others not holding seniority in District No. 11, the majority of those employees holding positions of lesser rate of pay:

(2) That the claim of C. V. Byde for a day's pay of his position, rate as of April 12, 1957 was \$16.35 per day, plus subsequent increases, for April 13th, 1957 and each day thereafter until the rule violation is corrected, be allowed account of Carrier's failure to comply with the provisions of Article V (Carrier's Proposal No. 7) of the August 21, 1954, National Agreement, Appendix B of the parties' current Agreement effective April 22, 1955.

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 December 1, 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 31st day of January, 1962.