

Award No. 10407  
Docket No. CL-12706

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES  
THE DENVER AND RIO GRANDE WESTERN RAILROAD  
COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-5010) that:

(1) Carrier violated rules of the current Agreement with the Brotherhood of Railway Clerks when during the period from April 3 through April 14, 1961, it used Mr. Aldo Capaldo, a furloughed employee who had not complied with the provisions of Article IV of the Chicago Agreement of August 21, 1954, as an extra janitor on five different days.

(2) Mr. A. F. Moody and Mr. Pete Bargas shall now be paid an additional twenty hours each at the pro rata rate of pay because of this violation.

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

That the Carrier and the 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 February 12, 1962, the parties 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 8th day of March, 1962.