

Award No. 10996

Docket No. CL-12776

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

ATLANTIC COAST LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL 5024) that:

1. The Carrier violated the agreement of July 16, 1956, Memorandum Agreement dated February 6, 1958, and Vacation Agreement of December 17, 1941, and the amendments and supplements thereto when it arbitrarily terminated the employment relationship of O. K. Pridgen, Sr., Clerk, denied his payment in lieu of vacation earned and denied him of other privileges and benefits afforded other employes normally unemployed due to sickness;
2. The Carrier shall now be required to restore claimant's name to the seniority roster in its proper place with original seniority date;
3. The Carrier shall now be required to allow claimant 15 days pay in lieu of the 1961 vacation earned by him having qualified for same by performing the required number of compensated days service in the year 1960;
4. The Carrier shall now be required to grant Mr. Pridgen all pass privileges and/or other fringe benefits available to employes on leave of absence due to sickness; and
5. The Carrier shall now be required to compensate claimant in lieu of any benefits he might have been entitled to beginning July 15, 1960, and continuing until such time as the violation is corrected.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 complaint party; and

That hearing thereon has been held and concluded. Under dates of November 5 and 7, 1962, the parties individually advised the Secretary of the Third Division of their desire to withdraw 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 1962.