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Award No. 18
Docket No. 18

SPECIAL BOARD OF ADJUSTMENT NO. 166

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Request of employes to cancel, effective September 8, 1956, the Memorandum of Agreement, dated December 4, 1952, establishing seven-day week operation on pro-rata rates of pay for employes involved of the freight warehouse platforms in St. Louis, Missouri, identified as Seventh Street Platform and Gratiot Street platform, as set forth in formal notice of August 9, 1956.

FINDINGS: Here, it appears that the parties, pursuant to Rule 26(c), entered into an agreement on December 4, 1952, providing for the establishment of 7-day positions at the freight warehouse in St. Louis, Missouri. That agreement contained a cancellation clause as follows:

"It is further understood that this agreement is made for the purpose named herein and that if there is any change in the conditions by reason of carloading and forwarding companies discontinuing the use of Missouri Pacific properties, by the parties named and as stipulated herein, thereby eliminating the necessity for this agreement, same may be cancelled by 30-day written notice of one party to the other."

The right to terminate that agreement is conditioned upon carloading and forwarding companies discontinuing the use of Missouri Pacific properties and such has not been shown to be the case. Accordingly, that agreement cannot be terminated.

AWARD: Claim denied.

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/s/ Dudley E. Whiting
Dudley E. Whiting - Chairman

/s/ I. F. Thomas
I. F. Thomas - Employee Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
April 11, 1957