

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**THE PENNSYLVANIA RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on The Pennsylvania Railroad that:

1. The Carrier violated Article III, Section 9 (c) of the current Telegraphers' Agreement, Part II, when on September 1, 1946, it permitted L. Vance, who for three years previously had not appeared on the official Telegrapher's Seniority Roster of the Philadelphia Terminal Division, to displace relief leverman, S. Weiss from the position incorporated in said Agreement; and that
2. S. Weiss and others resultantly displaced be restored to their respective positions from which displaced and reimbursed for all monetary loss sustained by reason of this improper displacement.

**EMPLOYES STATEMENT OF FACT:** L. Vance entered the service of the Carrier as a mail messenger on the Camden Terminal Division, August 8, 1919, occupying several positions on that Division, as well as the Atlantic Division, and was transferred to the Philadelphia Terminal Division as a Block Operator on December 8, 1927, on which Division he continued service in the Telegraph Department until May 11, 1941, when he was promoted to Train Dispatcher, Philadelphia Terminal Division, which latter position he occupied until September 1, 1946, when at his own request he was returned to position of Relief Leverman, a permanent position, which he displaced on the Philadelphia Terminal Division.

L. Vance's name last appeared on the Telegrapher's Roster of the Philadelphia Terminal Division as No. 119 issued January 1, 1942, with a seniority date of December 8, 1927.

His name did not appear on the roster issued January 1, 1943, 1944, 1945 or 1946 and there is no record of his having protested such omission or removal.

His name first appeared on the Train Dispatcher's Roster of the Philadelphia Terminal Division issued in 1942, with seniority standing No. 16, and seniority date of May 11, 1941, the date promoted from Telegraph group employes. His name, thereafter appeared on the 1943, 1944, 1945 and 1946 Roster of the Train Dispatchers.

**POSITION OF EMPLOYES:** An Agreement bearing date of May 16, 1943, as to working conditions, rules and rates of pay, is in effect between the parties, copies of which are filed with this Board. This Agreement is

Exhibits not reproduced.

**OPINION OF BOARD:** Under the facts and circumstances of this particular case the Claim should be denied.

**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; and

That the claim will be denied in accordance with opinion.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. I. Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 9th day of September, 1948.