

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Francis J. Robertson, Referee

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS  
BOSTON AND MAINE RAILROAD**

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

(a) the Carrier violated the provisions of the Telegraphers' Agreement when and because it did not fill the vacant Lynn General Agent's position October 10, 1952 through October 16, 1952, by an employee covered by the said Telegraphers' Agreement; and

(b) in consequence thereof the Carrier shall now pay a day's pay to the senior idle employee, on a day-to-day basis, for each of said days, except Sunday, October 12 which is the unfilled rest day.

**EMPLOYES' STATEMENT OF FACTS:** An Agreement bearing effective date of August 1, 1950, by and between the parties and referred to herein as the Telegraphers' Agreement, is in evidence; copies thereof are on file with the National Railroad Adjustment Board.

The Telegraphers' Agreement at Page 33 lists at Lynn the following positions (not including Towermen) and rates of pay:

|                               |                    |
|-------------------------------|--------------------|
| General Agent (minor) .....   | \$399.61 per month |
| Ticket Agent .....            | 1.768 per hour     |
| Asst. Ticket Agents (3) ..... | 1.588 per hour     |

These rates have been subsequently increased in accordance with national patterns. The position of General Agent was first included in the Telegraphers' Agreement August 1, 1950; the monthly rate comprehends 208 hours of service per month.

Mr. J. E. Collidge, occupant of the General Agent's position, was off duty on vacation October 10, 1952 through October 16, 1952 (Sunday October 12 was the assigned rest day), and according to the Carrier's letter his position was blanked for that period of time, but the Organization's information from a reliable source is that the Chief Clerk performed the agency duties in addition to his regular duties. The clerical force at the station consists of a Chief Clerk (Mr. McOsker), a Cashier (Mr. Bent), and a Claim Clerk (Mr. Angus).

**OPINION OF BOARD:** The incumbent of the position of General Agent (minor) at Lynn was on vacation October 10, 1952 through October 16, 1952. Carrier did not fill the vacancy. Claim is made on behalf of the senior idle employe on a day to day basis for each of those days except Sunday, October 12, the unfilled rest day of the position.

The facts in the instant case, the rules involved and the contention of the parties are practically identical with those involved in Award 6574. In a well-reasoned Opinion in that case the Board found no violation of the Agreement. We agree with the reasoning set forth in the Opinion and Findings in that case. Any further comment in this Opinion would be mere superfluity. We find that the claim should be denied on the authority of that Award.

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

That both parties to this dispute waived oral hearing thereon;

That the Carrier and the Employees 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 Carrier did not violate the Agreement.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon  
Secretary

Dated at Chicago, Illinois, this 29th day of November, 1954.