

Award No. 9096
Docket No. TE-9924

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

NORFOLK SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Norfolk Southern Railway, that:

1. The Carrier violated the Telegraphers' Agreement when and because it permitted and/or required employees other than those covered by the Agreement to handle (copy and deliver) the following train orders when no emergency existed:

Date	Order No.	Train No.	Station	Time	Copied By
Aug. 6, 1956	31	X438	Carbonton, N. C.	841a	Watson
Aug. 6, 1956	33	X438	Carbonton, N. C.	829a	Watson
Aug. 6, 1956	35	X438	Carbonton, N. C.	831a	Watson
Aug. 6, 1956	37	X438	Carbonton, N. C.	839a	Watson
Aug. 6, 1956	39	X438	Carbonton, N. C.	840a	Watson
Aug. 7, 1956	41	X438	Carbonton, N. C.	901a	Watson
Aug. 7, 1956	73	X438	Carbonton, N. C.	902a	Watson
Aug. 7, 1956	67	X438	Carbonton, N. C.	1214p	Watson
Aug. 8, 1956	60	99	Greenville Yard	640p	Starke
Aug. 15, 1956	42	X701	Chapanoke	1214p	Gibson
Aug. 15, 1956	77	X1507	Carbonton	407p	Allen
Aug. 16, 1956	79	X1507	Carbonton	114p	Allen
Aug. 16, 1956	93	X1507	Carbonton	406p	Allen
Aug. 20, 1956	37	X438	Carbonton	822a	Lewis
Aug. 20, 1956	33	X438	Carbonton	811a	Lewis
Aug. 20, 1956	35	X438	Carbonton	815a	Lewis
Aug. 20, 1956	37	X438	Carbonton	819a	Lewis
Aug. 20, 1956	39	X438	Carbonton	823a	Lewis
Aug. 22, 1956	63	X438	Mile Post 284	1156a	Lewis
Aug. 14, 1956	109	X1507	Carbonton	451p	Allen
Aug. 23, 1956	81	X1508	Parkwood	303p	Cox
Sept. 8, 1956	73	X119	Wadeville	930a	Watson
Sept. 15, 1956	50	45	Knightdale	501p	Bray
Sept. 18, 1956	60	X1606	Knightdale	108p	Pleasants
Sept. 13, 1956	79	99	Alligoods	638p	Munden
Oct. 20, 1956	26	63	Alligoods	626a	Coates

Date	Order No.	Train No.	Station	Time	Copied By
Oct. 16, 1956	68	X1612	Neverson	730p	Davis
Oct. 20, 1956	45	99	Yort	613a	Morgan
Nov. 19, 1956	69	X1610	Carbonton	401p	Lewis
Dec. 10, 1956	51	X1508	Carbonton	328p	Lewis
Feb. 20, 1957	61	X1507	Mile Post 245	1150a	Jeffries
Feb. 21, 1957	61	X1502	Mile Post 245	1207p	Jeffries
Dec. 1, 1956	32	63	Alligoods	640a	Gibson
Dec. 1, 1956	36	63	Alligoods	702a	Gibson
Dec. 20, 1956	22	64	Elizabeth City	458a	Gibson
Dec. 20, 1956	22	63	Belcross	458a	Stephenson
Nov. 20, 1956	101	X1610	Carbonton	411p	Lewis
Nov. 21, 1956	75	X1610	Carbonton	142p	Lewis
Nov. 21, 1956	83	X1610	Carbonton	146p	Lewis
Nov. 22, 1956	56	45	Knightdale	147p	Turner
Feb. 19, 1957	63	X1501	McCullers	1159a	Jeffries
Feb. 26, 1957	57	X1501	Mile Post 245	1135a	Byrd
Feb. 26, 1957	65	X1501	Mile Post 245	158p	Byrd
Feb. 27, 1957	53	X1501	Mile Post 245	1125a	Byrd
Feb. 27, 1957	61	X1501	Mile Post 245	348p	Byrd
Feb. 27, 1957	63	X1501	Mile Post 245	350p	Byrd

2. As a consequence of said violations the Carrier shall now be required to compensate the senior idle employe covered by the Telegraphers' Agreement, extra in preference, for a minimum days' pay of eight hours for each day the above train orders were so handled at each of the points specified.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of October 26, 1959, the parties jointly 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

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of November, 1959.