

Award No. 9358
Docket No. TE-10598

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Baltimore & Ohio Railroad, that:

1. Carrier violated the Agreement between the parties hereto when on December 27 and 29, 1956, it caused, required and permitted train service employes (flagmen stationed at Flemington, West Virginia, allegedly for flagging purposes, and also members of train crews at Flemington), employes not covered by the Telegraphers' Agreement, to communicate directly with the train dispatcher at Grafton, West Virginia, over the telephone located at Flemington, on both the block telephone circuit and the train dispatcher's telephone circuit; to receive instructions to be delivered to trains by said alleged flagmen; and to transmit to the train dispatcher by said alleged flagmen information concerning trains at Flemington. The Carrier also required or permitted members of trains crews to receive instructions directly from the train dispatcher as well as transmit directly to the train dispatcher work and movements of trains.
2. Carrier shall compensate idle telegrapher, extra in preference, for one day's pay (eight hours) on each of the said dates, December 27 and December 29, 1956.

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 was waived and under date of March 31, 1960, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

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AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 8th day of April, 1960.