

Award No. 10462
Docket No. TE-9293

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert J. Ables, Referee

PARTIES TO DISPUTE:

CHICAGO GREAT WESTERN RAILWAY COMPANY

THE ORDER OF RAILROAD TELEGRAPHERS

STATEMENT OF CLAIM: (3) Carrier's file O-166. Claim No. 707-516 by the General Committee of The Order of Railroad Telegraphers on the Chicago Great Western Railway that:

(a) the Carrier violated the terms of the Agreement between the parties when on September 26, 1953, it required or permitted the train crew on Extra 101 North to copy for themselves the following message:

Message: From St. Paul 9/26/53 — 2 P. M. to C & E Extra 101 North via Radio passing Nerstrand.

Highball all work and go directly to State Street acct motors needed for No. 41. S/gd CBA

The above message was given to the operator on duty at Randolph, Minnesota to relay to the crew of Extra 101 North via radio. The Carrier should have called the Agent-Telegrapher employed at Nerstrand, Minnesota to perform this work. They did not do this and when the Agent-Telegrapher at Nerstrand claimed call payment for this violation his claim was denied. And it is claimed that:

(b) as a result of this violation the Carrier shall now compensate the Agent-Telegrapher employed at Nerstrand, Minnesota, Mr. P. M. George, in the amount of a call allowance of two hours pay at the time and one-half rate and for whom such compensation is claimed.

EMPLOYEES' STATEMENT OF FACTS and POSITION OF EMPLOYEES:

The above Carrier described cases are not ready for consideration and action by your Board. They are a group of unsettled disputes involving this Carrier and this Organization which have not been handled to conclusion on the property and the right of this Organization to endeavor to settle them by further negotiations or by means other than National Railroad Adjustment Board pursuant to Article V, Section 5, of the Agreement of August 21, 1954, has been challenged by the Carrier in the Courts.

Exhibit "A" is attached hereto and made a part hereof as if fully set forth herein.

(Exhibits not reproduced.)

OPINION OF BOARD: This case is the same as in Award 10460, in all material respects. For the reasons stated in that award, this claim should be dismissed.

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 Employees involved in this dispute are respectively Carrier and Employees 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 is barred by Section 2 of Article V of the National Agreement of August 21, 1954.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 29th day of March 1962.