

Award No. 11066
Docket No. TE-10056

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Ralph D. McMillen, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**ALTANTA AND WEST POINT RAILROAD —
THE WESTERN RAILWAY OF ALABAMA**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atlanta and West Point—The Western Railroad of Alabama, that:

1. The Carrier violates and continues to violate the Agreement between the parties, when it requires or permits an employe not covered by the Telegraphers' Agreement at Selma, Alabama, to transmit the daily "Telegraphic Report of Cars" over the telephone to "G" Office, Atlanta, Ga.
2. The Carrier shall, commencing October 1, 1956, and daily thereafter, so long as the violation as set forth above continues, pay to the senior, idle telegrapher, extra in preference, a day's pay at the minimum telegrapher's rate for the Division.
3. The Carrier additionally violates and continues to violate the Agreement between the parties when it requires or permits employes not covered by the Telegraphers' Agreement at Montgomery, Alabama, West Point, Georgia, LaGrande, Georgia, and Newman, Georgia, to transmit the daily "Telegraphic Report of Cars" over the telephone to "G" Office, Atlanta, Georgia.
4. The Carrier shall, commencing November 12, 1956, and daily thereafter, so long as the violation as set forth above continues, pay to the senior, idle telegrapher, extra in preference, a day's pay at the minimum telegrapher's rate for the Division.
5. The Carrier having failed to properly decline the claim in accordance with the provisions of Article V of the August 21, 1954 Agreement makes it mandatory that the claim be allowed as presented

(A joint check of Carrier's records to ascertain the name of idle operator to be paid is requested.)

All data contained herein has been made available to Petitioner.

(Exhibits not reproduced.)

OPINION OF BOARD: The Organization claims the Carrier is violating the Agreement at Selma, Alabama by allowing an Employee not covered by the Agreement to transmit the daily "Telegraphic Report of Cars" over the telephone. Further the Organization is claiming a day's pay "for the senior, idle telegrapher, extra in preference" at the minimum telegrapher's rate for the Division, commencing October 1, 1956, and daily thereafter so long as the violation continues.

The Organization also claims the Carrier is violating the Agreement at Montgomery, Alabama, West Point, LaGrande and Newnan, Georgia when it permits Employees not covered by the Agreement to transmit the daily "Telegraphic Report of Cars" over the telephone. The Organization is claiming a day's pay "for the senior, idle telegrapher, extra in preference" at the minimum telegrapher's rate for the Division commencing November 12, 1956 and daily thereafter so long as the violation continues.

It is also contended that the Carrier failed to properly decline the claim in accordance with the provisions of Article V of the August 21, 1954 Agreement and that the claim be allowed as presented.

The Carrier's position is that it did deny the claims but regardless of that the claims should be denied because the Claimants are not named.

After considering the case on all of its merits it is the opinion of the Board that the Claimants are neither named nor are they readily identifiable. Section 1 (a) of Article V of the August 21, 1954 Agreement states "All claims or grievances must be presented in writing by or on behalf of the **employee** involved." Therefore the claim is 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 claims are not properly before this Division.

AWARD

Claims dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 25th day of January 1963.