

Award No. 12166
Docket No. TE-10432

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Kieran P. O'Gallagher, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN RAILWAY COMPANY

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

1. Carrier violated Rule 1, Scope, of the Telegraphers' Agreement when on March 16, 1957, it caused, required or permitted Mr. Rish, a train service employe not covered by the Telegraphers' Agreement, to communicate by telephone with the dispatcher and handle (receive, copy and deliver) Train Order No. 525 at Johns, South Carolina.

2. Carrier shall compensate J. W. Smith, senior idle extra employe, Telegraphers' seniority district, Columbia Division, by paying him one day (8 hours) at the rate of \$2.0750 per hour (minimum pro rata Telegraphers (Telephoners) rate on such seniority district) for the violation aforesaid.

EMPLOYES' STATEMENT OF FACTS: On March 16, 1957 at 10:39 A.M., Conductor Rish of Extra 2047 East, communicated by telephone direct with the dispatcher, who in turn sent the following train order to Conductor Rish, and Conductor Rish copied said train order at Johns, South Carolina:

FORM
19

TRAIN ORDER NO. 525

FORM
19

March 16, 1957
Johns, S. C.

To C&E Extra 2047 East

No. 51 fifty one eng. 6235 wait at Fant until 1110 eleven ten A M
for Extra 2047 East.

/s/ G.H.S.

Made Complete 10:39 A M

Conductor Rish, Operator

OPINION OF BOARD: This case is the same in all material respects as in Docket No. TE-9988, Award No. 12150. We adopt the opinion therein as determinative of the issues in this case.

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1964.