

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 the Scope, Seniority and other rules of the Telegraphers' Agreement when on Friday, April 26, 1957, it caused, required or permitted Conductor T. K. Brown, an employee not covered by the Telegraphers' Agreement, to transmit communications of record by telephone and/or to handle (receive, record and deliver) train order No. 35 at Buford, Georgia.

2. Carrier shall compensate Telegrapher J. J. Youngblood, the regularly assigned telegrapher to relief group No. 7, with assigned rest days of Thursday and Friday of each week, or the senior idle telegrapher, idle or otherwise entitled to perform such work under the Telegraphers' Agreement, seniority district Charlotte Division, for one day's pay (eight hours) at the average prevailing rate for such employees on this division.

3. Further, the Carrier shall consider this as formal claim for the above described incident and for each subsequent similar incident occurring on the seniority district, Charlotte Division, for the senior employee idle on the dates of such occurrence and otherwise entitled to the work, shall be paid the equivalent of one day's pay.

EMPLOYEES' STATEMENT OF FACTS: On or about Friday, April 26, 1957, at 6:01 A.M., Conductor T. K. Brown, on work extra 6217, used the telephone to communicate directly with the trick train dispatcher from Buford, Georgia. Conductor Brown sent the following message:

"This is T. K. Brown, I would like to use track No. 2 here at Buford to get my train together."

Dispatcher then advised Conductor Brown that he could not let a train work without having a written record of his call on the train sheet. Conductor Brown then proceeded to send the following message, commonly called "A Call" to the dispatcher:

Carrier, not having seen the ORT's submission, reserves the right, after doing so, to present such additional evidence and argument as may be necessary.

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.