

**Award No. 12765**  
**Docket No. TE-12183**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Bernard J. Seff, Referee**

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**  
**GULF, MOBILE AND OHIO RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Mobile and Ohio Railroad that:

Carrier violated the agreement between the parties when it required or permitted employes not covered by the agreement to handle train orders at Knowles, Mississippi.

1. (a) On July 24, 1959, a conductor received, copied and delivered Train Order No. 27.

(b) Carrier shall compensate H. E. Freeman, senior idle telegrapher, in the amount of a day's pay.

2. (a) On January 11, 1960, a conductor received, copied and delivered Train Order No. 23.

(b) Carrier shall compensate H. D. Walker, senior idle telegrapher, in the amount of a day's pay.

3. (a) On February 10, 1960, a conductor received, copied and delivered Train Order No. 24.

(b) Carrier shall compensate H. D. Walker, senior idle telegrapher, in the amount of a day's pay.

**EMPLOYES' STATEMENT OF FACTS:** The Agreements between the parties are available to your Board and by this reference are made a part hereof.

Knowles, Mississippi, is a station located at the end of a spur track, about three miles from the main track. The junction switch between this spur track and the main track is located just north of the depot at Gatesville, Mississippi. There are no positions under the Agreement at either Gatesville or Knowles. The position of agent-telegrapher at Gatesville was discontinued about October, 1958. The position at Gatesville had been in existence for fifty years or more and the occupant thereof had performed

order rules of prior agreements containing identical language to the current agreement do not support the claim. The precise issues presented in this case have previously been passed upon by this Board and this Board should uphold its prior decisions lest the parties be in utter confusion as to their responsibilities.

The claim here presented is contrary to the agreement and is unreasonable as to practical railroad operations and should be denied.

(Exhibits not reproduced.)

**OPINION OF BOARD:** The claim herein involves the same parties and same issues as involved in Award 12761.

For the reasons stated in that Award, the claim herein will also be denied.

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 17th day of July 1964.