

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Ross Hutchins, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

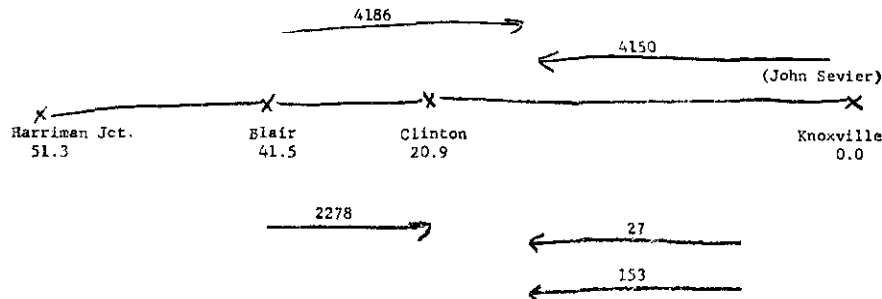
SOUTHERN RAILWAY COMPANY

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

1. Carrier violated the Agreement, when on the 20th day of December, 1959, it caused, required or permitted R. Payne, a train service employe, not covered by the Telegraphers' Agreement, to handle (receive, copy or deliver) Train Order No. 90 at Clinton, Tennessee, to be delivered to Engine 4186 at Blair, Tennessee, a station approximately 20 miles west of Clinton. Agent-Telegrapher Miller was ready and available to perform this work, but was not called.

2. Carrier shall compensate E. L. Miller, Agent-Telegrapher, Blair, Tennessee, for one call under Rule 10, at the rate of one and one-half times the pro rata rate of \$2.47. Total \$9.88.

EMPLOYES' STATEMENT OF FACTS: The following diagram is given to show the general area of the occurrence of this violation:



Blair, Tennessee, as shown above, is 41.5 miles west of Knoxville, which includes John Sevier Yard. Claimant E. L. Miller was the agent-telegrapher

Carrier has shown that no work of handling orders, belong to operators under Rule 31, was performed at Blair on the night in question, that such work was performed by the operator on duty at Clinton, and that there was no violation of the agreement. For the reasons set forth herein, carrier respectfully requests that the claim be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: Train Extra 4150-4186 West was called to make a trip from John Sevier, Tennessee, to Blair, Tennessee, and return to John Sevier. Upon arrival of Extra 4150 at Clinton, Train Order 90 was delivered to a member of Train Extra 4150.

Train Order No. 86 is as follows:

"FORM 19 Train Order No. 86 December 20, 1959 FORM 19
 To: C&E Eng. 4186 at Blair At: Clinton
 c/o Extra 4150 West

After Extra 4150 West arrives at Blair, Engine 4186 run extra Blair to Clinton. No. 51 fifty one is by Blair.

W O C

Made: Complete Time: 8:06 P. M. Jayne - Opr."

Train Order No. 90 is as follows:

"FORM 19 Train Order No. 90 December 20, 1959 FORM 19
 To: C&E Extra 4186 East at Blair At: Clinton
 c/o Extra 4150 West

No. 27 twenty seven and No. 153 one fifty three wait at East Siding until 1059 ten fifty nine P. M., Laurel until 11:15 eleven fifteen P. M. for 2 two Extras 4186 and 2278 East.

W O C

Made: Complete Time: 8:36 P. M. Jayne - Opr."

Note that 4186 and 4150 are coupled in the same train. This order is directed to the same crew, with the same A units and on a continuous run. There is no real difference between the run of this train on a turn around and a straight line run.

Where the same crew continuously operates the same power units there is no "handling" of train orders where only the train's designation changes because of reversing directions. See Awards 4819 and 10418 of the Third Division.

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 Employes involved in this dispute are respectively Carrier and Employes 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 has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1965.