

Award No. 13494
Docket No. TE-13133

NATIONAL RAILROAD ADJUSTMENT **BOARD**

THIRD DIVISION

John H. Dorsey, Referee

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN PACIFIC COMPANY
(Texas and Louisiana Lines)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern **Pacific** Lines in **Texas and Louisiana** (Texas and New Orleans Railroad), that:

1. The **Carrier violated** the Agreement between **the** parties hereto when it permitted or **required** employea not covered by said Agreement to handle (receive, copy and deliver) train orders **at the station location** and on the dates hereinafter set forth:

Station	Date	Train Order No.	Addressed to
Claim No. 1 Malvado	Feb. 5, 1961	200	C&E No. 242
Claim No. 2 Yofeta, Tex.	Feb. 5, 1961	228	C&E No. 244
Claim No. 3 Hacienda	Feb. 13, 1961	176	C&E Extra 607 Eaat
Claim No. 4 Comstock	Feb. 23, 1961	151	C&E No. 250
Claim No. 5 Mofeta, Tex.	Mar. 4, 1961	353	C&E No. 153
Claim No. 6 Chispa	Mar. 15, 1961	25	C&E Extra 616 West
Claim No. 7 Collado	Mar. 15, 1961	26	C&E No. 244
Claim No. 8 Dunlay	Mar. 19, 1961	209 & 210	C&E Extra 436 West

2. The Carrier shall, because of the violations set out in Item 1 above, compensate the following idle employea on the San **Antonio** Seniority District for one day's pay (8) hours et the pro rata telegraphers' rate on the **San Antonio** District:

Claim No. 1 -- **Mrs. C. C. Clark**
Claim No. 2 -- **S. H. Underwood**
Claim No. 3 -- **J. H. Gowens**
Claim No. 4 -- W. C. Chamberlin
Claim No. 5 -- **Mrs. C. C. Clark**
Claim No. 6 -- **E. B. Calderon**
Claim No. 7 -- **R. N. Rose**
Claim No. 8 -- **R. G. Green**

CONCLUSION

The Carrier has shown that this **claim** is without merit and should be denied, first because there was no **rule** violated, second there was no rule to support the claim, and third, there has been a train order rule in the Conductors' Agreement while nine Telegraphers' Agreements have **been negotiated and the** Telegraphers' Train Order Rule was readopted.

Carrier asserts, all conditions present in Award **7953** are present in this case and that the denial in that case is clearly controlling here, **and respectfully** requests that the claim be in all things denied.

OPINION OF BOARD: The issues, parties and Agreement involved in **this** Claim are the same as in Award No. 13491. For the reasons **stated in** that Award we will deny this Claim.

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 Employee 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 Carrier did not violate the Agreement.

AWARD

Claim denied.

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

ATTEST: **S. H. Schulty**
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1966.