

Award No. 13496

Docket No. **TE-13295**

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John **H. Dorsey**, Referee

PARTIES TO DISPUTE:

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** Company (Texas & Louisiana Lines), that:

Carrier violated the Agreement between the parties when it required or permitted train Conductors to handle train orders on the dates and at the locations shown below, for which Carrier shall now be required to pay each claimant, whose name is shown opposite each violation date and location, the amount specified therefor:

Carrier's File No.	Date	Location	Claimant	Hours	Claim Amount Rate
TE-61-71	5/13/61	Marion, Texas	S. J. Imburgin	8	Pro Rata
TE-61-92	6/26/61	Withers, Texas	B. D. Jones	8	Time & ½
TE-61-90	6/23/61	Odlaw, Texas	D. I. Nance	8	Time & ½
TE-61-89	6/24/61	Devil's River, Tex.	H. Wood	8	Time & ½
TE-61-86	6/26/61	Devil's River, Tex.	E. J. Looper	8	Time & ½
TE-61-91	6/27/61	Devil's River, Tex.	B. T. Winn	8	Time & ½
TE-61-83	6/18/61	Feely, Texas	II. Wood	8	Pro Rata
TE-61-84	6/22/61	Comstock, Texas	W. C. Chamberlain	8	Pro Rata
TE-61-88	6/26/61	Comstock, Texas	J. L. Dantone	8	Time & ½
TE-61-98	7/ 3/61	Lull, Texas	E. J. Looper	8	Time & ½
TE-61-81	6/12/61	Shumla, Texas	J. L. Dantone	8	Pro Rata
TE-61-99	7/14/61	Pumpville, Texas	J. F. Ybarra	8	Time & ½
TE-61-102	6/29/61	Pumpville, Texas	W. C. Chamberlain	8	Time & ½
TE-61-80	5/19/61	Malvado, Texas	J. W. Yarbrough	8	Pro Rata
TE-61-87	6/19/61	Malvado, Texas	J. R. Harris	8	Time & ½
TE-61-101	7/11/61	Malvado, Texas	J. R. Harris	8	Time & ½
TE-61-82	6/18/61	Shaw, Texas	G. C. Clark	8	Pro Rata
TE-61-96	7/ 2/61	Mofeta, Texas	S. H. Underwood	8	Time & ½
TE-61-75	4/ 5/61	Altuda, Texas	O. E. Hilbrich	8	Time & ½
TE-61-62	4/ 8/61	Nopal, Texas	H. L. Bell	8	Time & ½
TE-61-79	5/10/61	Quebec, Texas	E. B. Calderon	8	Pro Rata
TE-61-110	7/21/61	Bola, Texas	J. D. Jones	8	Time & ½

respectfully request that the Board review the **history** outlined therein, **which** clearly **supports** the Carrier's position in the instant case.

#### CONCLUSION

Carrier has shown that this claim **is** without merit and **should** be **denied** because:

1. **There has been** no rule violated.
2. There **is** no rule to **support** the claim.
3. There has been **a** train order rule in **the** Conductors' Agreement in full force and **effect** during the time **that** nine Telegraphers' Agreements have been negotiated and when **Telegraphers' Train** Order Rule **was** readopted.
4. The practice of **employees** other than telegraphers handling train orders **has been** in effect for at least **fifty** years.
6. **Awards** of the Third Division dictate **a** denial award in **this** case, and particularly in case Award 7963, **as** all conditions **present** in Award 7963 are present in this case, and that the denial **in** that **case, Award 7953**, is clearly controlling here.
6. **That** employee are attempting to seek a new rule (which they have not been able to **secure** by negotiation) which **is** not **a** function of the Board to grant under the provisions of the **Railway Labor Act**.

For the **reasons stated above**, this case is entirely devoid of **merit** or validity, and **should** be 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 **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 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, **thin 21th day** of April 1965.