

Award No. **13497**

Docket No. **TIC-13453**

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:

1. Carrier violated the terms of the parties' Agreement because, on July 26, 27 and August 1, 1961, it required or permitted employees not covered thereunder to handle train orders at Bridge 61.14, near Winchester, Texas.
2. Carrier shall be required to pay a day's pay to Telegraphers K. A. Voelker for each July 26 and 27, 1961, and **M.** E. Swenson for August 1, 1961.

EMPLOYEES' STATEMENT OF FACTS: On May **26**, 1961, a westbound freight train, destined for San Antonio, Texas, became derailed at Bridge 61.14, which crosses the Colorado River near Winchester, Texas, and caused severe damage to the Bridge.

Upon receipt of information that a telephone had been installed at the location of the derailment for handling communications of record, General -Chairman Newman wrote Mr. **L.** C. Albert, Manager of Personnel on May **26**, 1961, as follows:

"This **confirms** my conversation of today in regard to the **establishment** of communications service at the Colorado River near Winchester where a derailment occurred within the past 24 hours. I understand that a telephone **has** been installed at the scene of the derailment for the handling of communications of record. It is well known that work trains engaged in picking up derailed cars and thereafter in **the** work of reconstructing the bridge will need train orders and there will be other communications likewise. This is therefore to reiterate my request that the **work** of handling these communications of record be delegated to the telegraphers for performance and that a telegrapher be placed on the scene for that purpose.

The establishment of communications service at that point **will require** the services of **a** telegrapher and the work to be done is work coming within the scope of the Telegraphers' Agreement."

For the **reasons** stated above, **this case** is entirely devoid of merit and validity and should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: The **issues, parties** and Agreement involved in **this** Claim are the **same as** in Award No. 18491. 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 Employee 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, **this** 27th day of April 1965.