

Award No. 14665
Docket No. TE-15242

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David H. Brown, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri-Kansas-Texas Lines, that:

1. The Carrier violated the Agreement between the parties when on August 25, 1963, it permitted or required a train service employe on Train Extra 70A South to handle Train Order No. 105 at St. Charles, Missouri, in the absence of an emergency.

2. Carrier shall be required to compensate Mrs. Marie M. Turner, relief telegrapher, St. Charles, a call payment as provided for by the Agreement.

EMPLOYEES' STATEMENT OF FACTS: At 8:20 P. M., Sunday August 25, 1963, at St. Charles, Missouri, Brakeman R. M. Lang of Train Extra 70A South handled (received, copied, and delivered) train order No. 105. The order was addressed to Conductor and Engineer of Extra 70A South at St. Charles and read as follows:

"Extra 70A South meet No. 52 at Mokane"

Claimant on the date of claim was the regularly assigned, rest-day relief telegrapher at Baden and St. Charles, Missouri, on the following basis:

Saturday	7:30 A. M. to 4:30 P. M.	St. Charles
Sunday and Monday	7:00 A. M. to 3:00 P. M.	Baden
Tuesday and Wednesday	4:00 P. M. to 11:59 P. M.	Baden
Thursday and Friday	Rest days	

The two stations named above, along with various others, are located on Carrier's Eastern Subdivision as follows:

	Miles from St. Louis
St. Louis (Union Station) (on TRRA rails)	0.0
Baden (on CB&Q rails)	8.7
Machens (CB&Q-MKT rails)	26.9
St. Charles	39.2
Augusta	66.4
Mokane	125.1
Franklin	189.1

Sunday, August 25, 1963, Extra 70-A South departed Baden at 6:30 P. M. with Train Order No. 78 giving Extra 70-A South right over No. 52 to Hartsburg. About 8:15 P. M. a member of the train crew on Extra 70-A South at St. Charles advised Train Dispatcher on telephone that they were setting out a car with hot box. Train Dispatcher issued Train Order No. 105 directing Extra 70A South to meet No. 52 at Mokane. This order was made complete at 8:20 P. M.

Claim for call was made by Marie M. Turner account Brakeman R. M. Lang on Extra 70A South copying Train Order No. 105 at St. Charles, completed 8:20 P. M., August 25, 1963. The Carrier declined the claim as indicated in copy of correspondence attached, Carrier's Exhibit A.

No conference has been held by the parties to consider, and, if possible, decide this alleged unadjusted dispute in accordance with the clear, specific and mandatory requirements of Section 2, Second, of the amended Railway Labor Act, and Circular No. 1 of the National Railroad Adjustment Board, dated October 10, 1934.

(Exhibits not reproduced.)

OPINION OF BOARD: No conference was held on the property in connection with this dispute. Under the circumstances we shall follow the weight of authority of such recent decisions as Award 14386, 14370 and 13563 and sustain Carrier's contention the matter is not properly before this Board.

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 does not have jurisdiction over the dispute involved herein.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 15th day of July 1966.