

Award No. 15411
Docket No. TE-14433

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John J. McGovern, Referee

PARTIES TO DISPUTE:

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

ATLANTA AND WEST POINT RAILROAD

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atlanta and West Point Railroad Company, that:

1. Carrier violated the terms of an agreement between the parties hereto when on October 23, November 1 and 2, 1962, it required J. A. Kirkland, regular occupant of the Ticket-Agent-Telegrapher's position, Newnan, Georgia, to leave train orders in a waybill box for delivery to trains outside his assigned hours.

2. Carrier shall, because of the violations set out in paragraph one hereof, compensate J. A. Kirkland a "call" as provided by Rule 4 (c) for each date October 23, November 1 and 2, 1962.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence an Agreement by and between the parties hereto effective September 16, 1956, and as otherwise amended. Copies of said Agreement, as required by law, are assumed to be on file with this Board, and are, by this reference, made a part hereof.

At Page 24 of said Agreement are listed the positions covered by the Agreement on the effective date thereof at Newnan, Georgia. For your Board's ready reference the listing reads:

" * * * * "

Newnan Agent
Newnan Ticket-Agent-Telegrapher
Newnan Clerk-Telegrapher
Newnan Ticket-Clerk-Telegrapher

* * * * "

Claim was filed for "call" and declined at all levels on the property.

OPINION OF BOARD: The Claimant in this case contends that the Carrier violated the Agreement when it required him to leave certain train orders in a way-bill box, addressed to a train or trains at the end of the regularly assigned tour of duty.

This precise question is not new to the Board and was resolved in Award 13152. We relied in that case on the principle of "Stare Decisis" and we see no reason to deviate from that decision. The Claim will be sustained. See also Award No. 12240 (Referee Coburn).

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 the Agreement was violated.

AWARD

Claim sustained.

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

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

Dated at Chicago, Illinois, this 23rd day of March 1967.