



Award No. 16671
Docket No. TE-16226

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John J. McGovern, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Chicago, Burlington and Quincy Railroad, that:

1. Carrier violated the Agreement between the parties when on April 2, 1965, it required or permitted a person at Seneca, Nebraska, who is not covered by the agreement, to copy a communication of record effecting the calling of train No. 80.

2. Carrier shall compensate extra employe Miss E. M. King for eight (8) hours pay at the rate of \$2.7768 an hour for April 2, 1965.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective May 1, 1953, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

Miss E. M. King, hereinafter referred to as Claimant, was on claim date an extra employe who available for work.

The Seneca station was closed by the Carrier as a communication office, effective September 15, 1963.

There is a Foreman who lives at Seneca. Dispatcher Phillips called Seneca on April 2, 1965, and gave the following information to the Foreman's wife over the telephone:

"Call for No. 80 is 8:15 A.M. The diesels are 104-105 and 102. Train has 6 stock, 79 common freight, 24 emptys, 5783 tons. Waycar is 13631.

R. H. Irwin and Peterson."

The Foreman's wife is not an employe of the Carrier.

Carrier offered to settle the claim by payment of a two hour call. Employees declined the call payment offer.

The schedule of rules agreement between the parties, effective May 1, 1953, and amendments thereto, are by reference made a part of this submission.

(Exhibits not reproduced.)

OPINION OF BOARD: The issue and the parties are identical to those in our Award 16670. For the reasons stated therein, we will deny the 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 the Agreement was not violated by the Carrier.

AWARD

Claim denied.

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

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

Dated at Chicago, Illinois, this 25th day of October 1968.