

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19240
Docket Number TD-18901

David Dolnick, Referee

PARTIES TO DISPUTE: (American Train Dispatchers Association
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The St. Louis-San Francisco Railway Company (hereinafter "the Carrier") violated the effective Agreement between the parties, Article 1 thereof in particular, when on June 30, 1969, it required and/or permitted other than those covered thereby, to perform work covered by said Agreement.

(b) Carrier shall now compensate Train Dispatcher W. F. Haynes one day's compensation at time and one-half the daily rate applicable to Assistant Chief Dispatcher for said violation on the rest day of Claimant.

OPINION OF BOARD: Employees allege that the Trainmaster at Enid, Oklahoma issued the following instructions:

"Enid Okla 945 p.m., June 30, 1969

HOB SO

RUN TRAINS AS FOLLOWS JULY 1, 1969
NO. 638 WITH 3 UNITS 630 AM
NO 663 WITH 2 UNITS ON ASSIGNED CREWS REST
NO 632 WITH 1 UNIT 830 AM
BENDER TURN WITH 2 UNITS AT 11 AM
AVARD TURN WITH 1 UNIT AT 1 PM
SOUTHARD SWITCHER WITH 1 UNIT AT 2 PM

WHH"

HOB is the Chief Train Dispatcher, H. O. Buzbee. The instructions were sent to him and not to any of the train crews. A statement that the "above instructions were acted upon by the forces at Enid, Oklahoma" is a mere assertion and not evidence that the train crews acted directly upon them. Every indication points to the fact that these were instructions from the Trainmaster to the Chief Dispatcher alone, which is a normal and proper business procedure and that the crews did not act upon the message but rather from instructions later conveyed to them by the Chief Dispatcher. Awards 19089 and 19090 on this property are identical.

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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 Carrier did not violate the Agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 31st day of May 1972.