

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19243  
Docket Number TD-18904

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 27, 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 G. W. Daugherty 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: The following message was issued by the Trainmaster to the Chief Dispatcher:

"Enid Okla 1025 PM June 27, 1969  
HOB SO

"Run trains June 28th as follows:  
No 638 with 4 units, first rested  
chain gang crew. Extra south with  
3 units 10 AM tie up at Clinton.  
No 632 with 3 units 11 AM and give  
trailing unit to No 631 at meeting  
points. Extra west with 2 units  
100 PM.

WHH"

The message was sent to the Chief Dispatcher and not the train crews. There is no probative evidence in the record that the crews acted upon this message. The facts here are identical with those in Awards 19240 and 19241 wherein this Board denied the claims. For the reasons stated in awards adjudicating those claims and in Awards 19809 and 19090 on this property, this claim, too, has no merit.

Award Number 19243  
Docket Number TD-18904

Page 2

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.