

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19247  
Docket Number TD-18910

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 September 3, 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 V. L. Walker 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: On September 3, 1969 the Trainmaster at Quanah, Texas sent the following message to the Agent at Roaring Springs, Texas changing his assignment hours:

"Quanah, Texas  
Sept. 3, 1969  
Mr. D. T. Carpenter:

"Effective September 5, 1969, assigned hours at Roaring Springs, Texas will be 2:00 P.M. to 11:00 P.M., excluding one hour for meal. Please acknowledge.

C. E. Hurt

cc: Messrs: George Adams, Jr.  
H. O. Buzbee  
D. F. Willis"

The Chief Dispatcher received a copy of the message.

The facts here are comparable with those in Docket TD-18903 which claim was denied in Award No. 19242. For the reasons stated in said Award No. 19242, this claim also has no merit and should be denied.

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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.