

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23061
Docket Number CL-23016

George S. Roukis, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and **Station Employees**
PARTIES TO DISPUTE: (
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-8846)
that:

1. Carrier violated the agreement between the parties when it required relief operator G. E. Thomas to leave train orders and clearance on the desk for a train crew to pick up which had been called for **11:30** p.m. on April 23, 1978.

2. Carrier shall compensate Mr. G. E. **Thomas** an additional two-hour call for April 23, 1978, account violation of Article I of **the** telegraphers' schedule.

OPINION OF BOARD: The claim of Operator G. E. **Thomas seeks** an additional call for April 23, 1978 because he **was** allegedly required to leave train orders on his desk after **11:30** p.m. for the train crew of Train No. 822 to pick up. **Operator** Thomas could not be on duty beyond **11:30** p.m. on that date without being **in** violation of the Hours of Service Law.

In defense of the claim Carrier has pointed out that the Engine and Train Crew for Train 822 signed the train **register as** going on duty at **11:30** p.m. All other physical evidence, i.e., watch **checks**, time slips and statements from the crew indicate that the crew of Train No. 822 went on duty at **11:30** p.m. This evidence is uncontested in the record.

Thus, it would seem **that** there was no need for the Train Orders to be left on the desk - Telegrapher Thomas was on duty until **11:30** p.m. The train crew came on duty at **11:30** p.m.

The claim will be denied.

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 Employes involved in this dispute are respectively Carrier and Employes 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.

A W A R D

Claim denied.

NATIONAL **RAILROAD ADJUSTMENT** BOARD
By Order of Third Division

ATTEST: *A. W. Paulos*
Executive Secretary

Dated at Chicago, Illinois, this 14th day of November 1980.

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