

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24155**
Docket Number **CL-24167**

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
{ Freight **Handlers, Express** and Station **Employees**
(Maine **Central Railroad Company** (Portland **Terminal Company**))

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(**GL-9487**) that:

1. **Carrier** violated the Agreement between the parties on **February 8, 1979**, when **Carrier** assigned the relaying of information contained in Form X-7, **Train RX-2, 2/7** to Dispatchers' office by persons not within the Scope **Rule** of the Telegraphers' **Agreement**.

2. **Carrier** shall compensate W. D. Graham, 1st **Trick** Operator, PN Office, **Rigby**, Maine, two (2) hours punitive rate of **pay**, **February 8, 1979**. **Carrier** violated Article **1 and 7** of the Telegraphers' **Agreement**.

OPINION OF BOARD: There is no dispute relative to the factual situation in this case., Claimant was the regularly assigned **Operator** on the first shift. After he had completed his tour of duty and had gone home, a clerical **employee** in the **performance** of his normal duties prepared **an X-7 form** (a consist report of a departing **train**) and transmitted the **information** by telephone to the Train Dispatcher.

The **Organization** alleges that the **Claimant** Operator should have been called in to transmit the train consist information to the **Train** Dispatcher. **Carrier**, on the other hand, contends that the use of the Clerk to transmit **such** train consist information is both **common** practice and not violative of the Telegrapher's Scope Rule. This contention is **not** seriously challenged in the record before the **Board**.

From a review of the record in this case, the Board is unable to find any proof of a violation of any rule of the Telegrapher's **Agreement**.

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**.

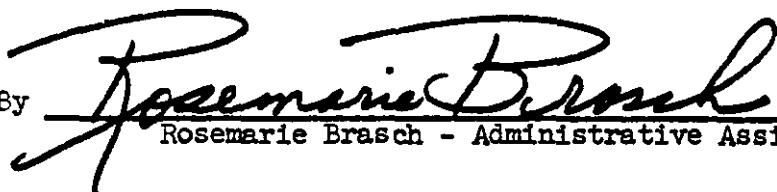
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad **Adjustment** Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this **15th day of February 1983.**

