

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24279  
Docket Number CL-24048

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: { **Brotherhood** of Railway, Airline and Steamship Clerks,  
Freight Handlers, Express and Station Employees  
(The **Baltimore** and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-9404) that:

(1) Carrier violated the effective Clerk-Telegrapher Agreement when, on the dates of **September 6, 6, 19, October 31, November 7 and 15, 1978, January 3 and 9, 1979, and May 21, 1980**, it caused and permitted employees not covered thereby to report Heavy Motor Car **Movements direct** to the Train Dispatcher, an employee not covered by said Agreement, at **Grafton**, West Virginia, and

(2) As a result of such impropriety, Carrier shall compensate Mr. L. G. **Metz**, first-trick Block Operator at **WN Tower, Cowen**, West Virginia, a three (3) hour pro rata payment for **September 6, 6, 19, October 31, November 7, 15, 1978, and January 3 and 9, 1979**, and

(3) **That** Carrier shall compensate Mr. L. B. Arnett, first trick Block Operator at **Gaston Junction, Fairmont**, West Virginia, a three (3) hour pro rata payment for **May 21, 1980**.

OPINION OF BOARD: The dispute **in** this case involves the fact that a hi-rail **motor** truck was reported into clear to the Train Dispatcher by a Maintenance of Way Employee. **Claimants** base their entire argument on an alleged violation of **Rule 65 - Train Orders - Clearance Forms - Blocking Trains**.

This Rule 65 has been **examined** and ruled upon by seven prior awards of this Division involving the same parties as here. See Award Nos. **21074, 21326, 21575, 21651, 21671, 21681, 22017**.

In **Award No. 21575** the **Board** said:

"Based upon the entire record **of** this case, and **in** view of our previous decisions as listed above, which have not been shown to be palpably erroneous, we cannot find a contractual basis for the result desired by petitioner."

**The Board** subscribes to the reasoning in **that award and must** deny the claim herein.

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*  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 31st day of March 1983.

