

The Third Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(CSX Transportation, Inc.
(Formerly The Louisville and Nashville Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10435) that:

1. Carrier violated the Agreement when it failed and/or refused to call the Senior Available Employee or an extra clerk to perform extra clerical work done by a Supervisor.

2. Carrier shall now compensate the Senior Employee, extra in preference, at the Operators rate of \$113.04 for violation of October 29, 1988."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

After a train arrived at Flomaton, Alabama, on October 29, 1988, the Flomaton Trainmaster sent a message to the Mobile, Alabama, Chief Train Dispatcher and a train crew in Montgomery, Alabama, that some of the cars on the train arriving at Flomaton needed special handling. The Trainmaster sent the communication through the Administrative Message Switching System (AMSS) which is an electronic mail system.

The message in question was more akin to an administrative communication as opposed to a message of record governing train movement. Put differently, the Organization has failed to meet its burden of proving that the contents of the message covered other than ministerial or administrative matters. The purpose of the message was simply to give instructions to expedite certain rail cars. The Organization did not bring forward any evidence that Clerks or Telegraphers had handled this type of message in the past or that the message governed the movement of trains. See Public Law Board No. 2470, Award 71.

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Award No. 29173
Docket No. CL-29330
92-3-90-3-248

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Beyer - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of April 1992.