

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
SOUTHERN PACIFIC LINES IN TEXAS AND LOUISIANA
(Texas and New Orleans Railroad Company)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on Southern Pacific Lines in Texas and Louisiana (Texas & New Orleans Railroad Company):

(1) That the carrier acting in a capricious and arbitrary manner, violated Rules 1, 2 (A and B), 3, 7, 14 (G), 17 and 23 of the current Telegraphers' Agreement, when effective December 19, 1947, it unfairly discharged Miss Juanita E. Cortines from the service in a discriminatory manner; took reprisal action against her; allegedly closed the train order office at Orange, Texas; delegated the duties of handling train orders to employees not embraced within the scope of the Telegraphers' Agreement, and refuses to pay claimant for time lost December 27, 1947 to January 22, 1948 inclusive.

(2) That the claimant, Miss Juanita E. Cortines, named in the Employees' Statement of Facts, who was arbitrarily deprived of her usual employment and wages during the time mentioned above, shall be reimbursed for all losses sustained as a result of the improper acts of the Carrier.

OPINION OF BOARD: The claim in this dispute involves discipline on the one hand and alleged violation of the Agreement in the manner of handling train orders. The questions as submitted are inseparable. The Board does not feel that a proper decision can be made disposing of both questions under the wording of the claim.

The Board finds no grounds for disturbing the action of the Carrier in the discipline administered and remands the question concerning the handling of train orders to the parties for disposition.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 claim, so far as it relates to discipline, will be denied and the question concerning the manner of handling train orders will be remanded.

AWARD

Claim disposed of in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 17th day of February, 1949.