

Award No. 6558
Docket No. MS-6967

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

GLADYS R. KOELKER, TELEPHONE OPERATOR
THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Gladys R. Koelker, Telephone Operator, B. & O. R. R. Co., Washington, D. C. Claiming pay for June 1, 1951, and all subsequent days and dates until officially reinstated with seniority unimpaired.

OPINION OF BOARD: The evidence of record reveals that there is no dispute between the parties to the controlling Agreement.

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

That both parties to this dispute waived oral hearing thereon;

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 Carrier's action in this case will not be disturbed.

AWARD

Claim denied in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 14th day of April, 1954.

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Interpretation No. 1 To Award No. 6558

Docket No. MS-6967

NAME OF PETITIONER: Gladys R. Koelker.

NAME OF CARRIER: The Baltimore and Ohio Railroad Company.

Upon application of the Carrier involved in the above Award, this Division was requested to interpret the same by reason of an alleged dispute between the parties as to the consideration given by the Division to merits in disposing of the case.

This request of the Carrier for an Interpretation of this Award is filed pursuant to Section 3, First, (m) of the Railway Labor Act, as amended, which provides in part as follows:

"In case a dispute arises involving the interpretation of an award a Division of the Board upon request of either party shall interpret the award in the light of the dispute."

This Division's decision in denying Petitioner's claim was made after thorough consideration of the dispute on the merits and agreement rules. We found that this Division had jurisdiction over the dispute. In holding that the evidence of record revealed that there was no dispute between the parties to the controlling agreement, this Division considered that the instructions given Petitioner by her representative to report to Carrier's Medical and Surgical Director for physical re-examination, in conformity with the arrangements suggested by Carrier's representative, constituted an interpretation of the agreement between the parties, and decided that Petitioner's claim was without merit because of her refusal to comply therewith.

Consequently, this Division decided that Carrier's action in this case would not be disturbed and our denial of the claim constituted final disposition of the controversy covered by Docket MS-6967.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of October, 1957.