

Award No. 8583
Docket No. TE-8154

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE DELAWARE, LACKAWANNA AND WESTERN
RAILROAD COMPANY

STATEMENT OF CLAIM:

CLAIM NO. 1

The Carrier violated the terms of the Telegraphers' Agreement when and because on April 16, 1951 it required or permitted the conductor in charge of train BH-4 to transmit a message from Athenia to the train dispatcher outside of the Assistant Agent's assigned hours; in consequence thereof Assistant Agent Pasmonde shall be allowed a "call" payment.

CLAIM NO. 2

The Carrier violated the terms of the Telegraphers' Agreement when and because on February 17, 1955 it required or permitted a member of the train crew on Extra 611 to transmit a message from Little Falls to the train dispatcher outside of the agent's assigned hours; in consequence thereof Agent P. F. McAloon shall be allowed a "call" payment.

CLAIM NO. 3

The Carrier violated the provisions of the Telegraphers' Agreement when and because on March 10, 1951 it required or permitted a crew member of train HB-5 to transmit a message from Blairstown to the train dispatcher outside of the agent's assigned hours; in consequence thereof agent P. C. Rennert shall be allowed a "call" payment.

CLAIM NO. 4

The Carrier violated the terms of the Telegraphers' Agreement when and because at 1:10 P.M., April 29, 1954 it required or permitted Engineer Bauman in charge of Engine 632 to transmit a message from Nayaug to the train dispatcher; in consequence thereof idle extra employe, E. Troupe, shall be allowed a day's pay in the amount of \$14.96.

CLAIM NO. 5

The Carrier violated the terms of the Telegraphers' Agreement when and because at 5:40 P.M., January 24, 1953 it required or permitted a member of

CLAIM NO. 19

The Carrier violated the terms of the Telegraphers' Agreement when and because on April 7, 1954 it required or permitted trainman Allen in charge of train BS-21 to transmit a message from Medical Center a few miles north of Binghamton to the train dispatcher; in consequence thereof the senior idle operator extra in preference, shall be allowed a day's pay \$14.87. The records shall be jointly checked to determine the payee.

CLAIM NO. 20

The Carrier violated the Telegraphers' Agreement when and because on October 10, 1953 it required or permitted Conductor Johnson in charge of BU-21 to transmit a message from Waterville to the train dispatcher outside of the agent-operator's assigned hours; in consequence thereof agent-operator W. G. Collins shall be allowed a "call" payment in amount of \$5.69.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of December 5, 1958, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 18th day of December, 1958.