

Award No. 10458

Docket No. TE-8815

NATIONAL RAILROAD ADJUSTMENT BOARD

**THIRD DIVISION
(Supplemental)**

Robert J. Wilson, Referee

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
TENNESSEE CENTRAL RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Tennessee Central Railway, that:

1. Carrier violated agreement when commencing April 27, 1955 and continuing until October 24, 1955, it blanked position of Agent at Silver Point, Tennessee.
2. Carrier shall compensate senior, idle telegrapher (extra in preference) for one day (8 hours) at the agreed upon rate of pay for agent, Silver Point, Tennessee, for each and every day such position was blanked.
3. Carrier shall permit joint check of its records to determine names and amounts due the several employees for such violations.

EMPLOYEES' STATEMENT OF FACTS: There is in full force and effect collective bargaining Agreements entered into by and between Tennessee Central Railway Company, hereinafter referred to as Carrier or Management and The Order of Railroad Telegraphers, hereinafter referred to as Employees or Telegraphers. The original Agreement was effective May 1, 1924, and has been in many respects amended. The Agreement as amended is on file with this Division and is by reference, made a part of this submission as though set out herein word for word.

The dispute involved herein was handled on the property in the usual manner through the highest officer designated by Carrier to handle such disputes and failed of adjustment. Under the provisions of the Railway Labor Act, as amended, this Division has jurisdiction of the parties and the subject matter.

This dispute involves the question of Carrier's right to "blank" a position negotiated into the Agreement with the Telegraphers for the period of time from April 27, 1955 to October 24, 1955 at Silver Point, Tennessee. The substantive claim involves the violation in blanking the position and compensation is requested for each and every day the position was blanked in favor of any idle telegrapher (extra telegrapher in preference) during the time the position was blanked. In addition, Employees request that Carrier be ordered

OPINION OF BOARD: The claim in this case was originally filed on June 24, 1955 by the Committee of Division 64 of The Order of Railroad Telegraphers making claim for one day's pay for each Monday through Friday each week beginning April 27, 1955 and continued so long as the violation continues at the rate of \$264.62 per month in behalf of the senior extra Employee idle who are covered by the seniority roster under the Agreement of the Tennessee Central Railway and The Order of Railroad Telegraphers. Organization's Statement of Claim requests Carrier be required to "compensate senior, idle telegrapher (extra in preference) for one day (8 hours) at the agreed upon rate of pay for agent, . . ."

In our opinion the claim herein filed does not meet the requirements of Article V, Section 1 (a) of the National Agreement of August 21, 1954 effective between the parties in that the Claimants are not specifically named nor are they easily and clearly identifiable in this case. Therefore the claim must be dismissed.

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

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of March, 1962.