

Award No. 10476

Docket No. TE-9307

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert J. Ables, Referee

PARTIES TO DISPUTE:

CHICAGO GREAT WESTERN RAILWAY COMPANY

THE ORDER OF RAILROAD TELEGRAPHERS

STATEMENT OF CLAIM: (17) Carrier's file 0-153. Claim No. 707-510 by the General Committee of the Order of Railroad Telegraphers on the Chicago Great Western Railway that:

(a) the Carrier violated the terms of the Agreement between the parties when it refused to pay Telegrapher B. A. Carlock, employed at Shops, St. Joseph, Missouri, a call allowance for July 19, 1953, and a call allowance for July 26, 1953 account Train No. 43 getting their own block from the CB & Q and AT & SF Railroads at St. Joseph, Missouri on those dates; and also declined to pay Telegrapher L. E. James, also employed at St. Joseph, Missouri, a call allowance for August 7, 1953 account the Conductor of Train No. 5 secured the block from the same two Railroads on that date. On the above named dates the work referred to was transferred out of the Agreement. And that:

(b) the Carrier shall now compensate Telegrapher B. A. Carlock in the amount of a call allowance of three hours pay at the time and one-half rate on each date claimed by him (July 19th and 26th both Sundays); and shall compensate Telegrapher L. E. James in the amount of a call allowance of two hours pay at the time and one-half rate for August 7th; and for the violations to the Agreement named above such compensation as here stated is claimed. And that:

(c) on all dates subsequent to August 7, 1953, that similar violations of the Agreement occur, the Carrier shall compensate the Telegrapher employed at Shops, St. Joseph, Missouri, and who is entitled to perform this service, in the amount prescribed by the Agreement had he been used to perform this work to which entitled and for whom such compensation is claimed.

EMPLOYEES' STATEMENT OF FACTS and POSITION OF EMPLOYEES:

The above Carrier described cases are not ready for consideration and action by your Board. They are a group of unsettled disputes involving this Carrier and this Organization which have not been handled to conclusion on the property and the right of this Organization to endeavor to settle them by further negotiations or by means other than National Railroad Adjustment

Division, National Railroad Adjustment Board, is, accordingly, requested to so find and deny the payment of this claim.

Exhibit "A" is attached hereto and made a part hereof as if fully set forth herein.

(Exhibits not reproduced.)

OPINION OF BOARD: This claim is the same as in Award 10460, in all material respects. For the reasons stated in that award, this claim should 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

That the claim is barred by Section 2 of Article V of the National Agreement of August 21, 1954.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois this 29th day of March 1962.