

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Joseph S. Kane, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

GULF, MOBILE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Mobile and Ohio Railroad, that:

Carrier violated the Agreement between the parties when:

1. (a) On November 16, 1959 it required or permitted Agent G. C. Lang at Mobile, Alabama to transmit and receive messages.

(b) Carrier shall compensate Telegrapher W. L. Adams in the amount of a day's pay.

2. (a) On November 24, 1959 it required or permitted clerks at Artesia, Mississippi and Okolona to transmit and receive messages.

(b) Carrier shall compensate Telegrapher J. A. Pilkinton in the amount of a day's pay.

3. (a) On November 26, 1959 it required or permitted a clerk at West Point, Mississippi to transmit a message.

(b) Carrier shall compensate W. J. Howell, Agent-Telegrapher West Point, Mississippi, in the amount of a holiday call, three hours at time and one-half.

EMPLOYES' STATEMENT OF FACTS: The Agreements between the parties are available to your Board and are, by this reference, made a part hereof.

The cases listed above in the Statement of Claim are violations of the Scope Rule of the Agreement and are what may be generally termed communication violations other than train orders. Rules, in addition to the Scope Rule, come into play to confirm the violations and to determine the amount of reparation due because of the breach of contract; however, the Scope Rule is the controlling rule and reads as follows:

The claims as presented herein are totally without merit and should be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: This dispute is the same in all material respects as in Award No. 11730. We adopt the opinion therein as determinative of the issues in this dispute.

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

That the parties waived oral hearing;

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of January 1964.