

Award No. 12084

Docket No. TE-13561

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 & Ohio Railroad, that:

1. Carrier violated the Agreement between the parties when on Saturday, March 4, 1961, at 2:50 P.M., it required or permitted an employe not covered by the Agreement to transmit a communication of record from Waynesboro, Mississippi.

2. Because of this violation, Carrier shall compensate Agent-Telegrapher A. L. Smith of Waynesboro, Mississippi, in the amount of a call.

EMPLOYES' STATEMENT OF FACTS: The Agreement between the parties, effective June 1, 1953, as supplemented and amended, is available to your Board and by this reference is made a part hereof.

There is one position covered by the Agreement at Waynesboro, Mississippi, classified as Agent-Telegrapher, assigned to work Monday through Friday, with rest days of Saturday and Sunday. The incumbent of the position is A. L. Smith. Also at Waynesboro, Carrier employs one Clerical employe. The incumbent of that position is a Mr. Slaughter.

On Saturday, March 4, 1961, a day Claimant Smith was observing one of his rest days, Clerk Slaughter, transmitted by telephone, the following message from Waynesboro to the Telegrapher at Meridian, Mississippi, to be relayed by him to Tuscaloosa, Alabama.

"Waynesboro 3/4/61

"BHP

"Please have No 28 pick up at Waynesboro tonight, GM&O 5103 boxes via Chgo and GM&O 82117 chips, Waybills in box."

"Slaughter—250pm"

"B.H.P." is the Chief Dispatcher at Tusacloosa. As shown above, "Slaughter" is the Clerk at Waynesboro.

This claim is 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.