

Award No. 12483
Docket No. TE-10157

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Arthur W. Sempliner, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Chicago, Burlington and Quincy Railroad that:

1. The Carrier violated the agreement between the parties when it required or permitted an employe not covered by said agreement to handle (receive, copy, and deliver) train orders at Trevino, Wisconsin.

2. Carrier shall compensate the senior, idle employe, extra in preference on the seniority district, in the amount of a day's pay at the temporary office rate on July 12, 1957.

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

Trevino, Wisconsin, is a station located on the La Crosse Division of this Carrier. It was formerly an open telegraph office with positions under the Telegraphers' Agreement. The Chicago, Milwaukee, St. Paul and Pacific Railroad has arranged with this Carrier to operate trains over the CB&Q tracks between Trevino, Wisconsin and Winona, Minnesota. The normal and usual operation is one train each way per day. Eastward CMSTP&P trains enter the CB&Q main line at Trevino. On some days it is necessary that this train have train orders before it can proceed to Winona.

On July 12, 1957, the conductor of Extra 993 East (CMSTP&P train) received, copied and delivered the following train orders at Trevino:

"Train Order No. 355

July 12, 1957

To C&E Extra Milw 993 East at Trevino

[918]

OPINION OF BOARD: The dispute stems from the act of a conductor on Extra 993 East, July 12, 1957, at Trevino, who copied and delivered a train order. The claim is made on behalf of the senior, idle employe, extra in preference, without further identification. The great weight of the awards on this Division have held that claims for unnamed employes are defective under Article V of the August 21, 1954 agreement, as no individual employe has been named as Claimant. This referee, in Award 8758, this Division, some five years ago, sustained claims for unnamed Claimant, worded in a similar manner to the instant claim. In Award 8758, the identity of the Claimant was not an issue. Since Award 8758, Awards 11156, 11038, 11066, 10458, 11754, 11450, and many others on this Division have denied such claims.

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 Employes involved in this dispute are respectively Carrier and Employes 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 as it does not satisfy the requirements of Article V of the August 21, 1954 Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of May 1964.