

**Award No. 13341**  
**Docket No. TE-12519**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**(Supplemental)**

**Ross Hutchins, Referee**

---

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**SOUTHERN RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Railway that:

1. Carrier violated the Agreement, when on the 10th day of December, 1959, it caused, required or permitted M. S. Poore, a train service employe, not covered by the Telegraphers' Agreement, to handle (receive, copy or deliver) Train Order No. 164 at Coster, Tennessee, to be delivered to Engine 2249 at Lake City, Tennessee, a station approximately 29 miles west of Coster. Agent-Telegrapher Williams was ready and available to perform this work but was not called.

2. Carrier shall compensate R. R. Williams, Agent-Telegrapher, Lake City, Tennessee, for one call under Rule 10, at the rate of one and one-half times the pro rata rate of \$2.47. Total \$9.88.

**EMPLOYES' STATEMENT OF FACTS:** The following diagram is given to show the general area of the occurrence of this violation:

Moreover, all in-care-of train orders are received by train crews at one point for execution at another point. When such orders are copied and delivered by an operator, the "handling" under Rule 31 has been fully accomplished. The rule would be meaningless if it required, as the employees are here contending, that operators would "handle" the same orders twice—first, at a telegraph office where they are received from the operator by the train crew and again at the point where they are to be later executed. It was for this reason that carrier has called the Board's attention to the fact that Rule 31 imposes no restrictions whatsoever on the issuance of train orders by dispatchers in accordance with carrier's Operating Rules.

Carrier has shown that no work of handling orders, belonging to operators under Rule 31, was performed at Lake City on the night in question, that such work was performed by the operator on duty at Coster, and that there was no violation of the agreement. For the reasons set forth herein, carrier respectfully requests that the claim be denied.

(Exhibits not reproduced.)

**OPINION OF BOARD:** Train Order No. 164 was issued as follows:

---

"FORM 19

FORM 19

**SOUTHERN RAILWAY SYSTEM**

Train Order No. 164

Date: December 10, 1959

To: C&E Eng 2278 and Eng  
2249 at Lake City care  
of Extra 2278 West

At: Coster, Tenn.

Eng 2278 run Extra Powell to Lake City has right over second class trains Powell to Clinton and run ahead of No. 153 one fifty three Powell to Clinton. After Extra 2278 West arrives at Lake City Eng 2249 run Extra Lake City to Powell.

WOC Chief Dispatcher

Made Complete

Time 7:31 P. M.

Lewis OPR"

---

This claim is filed on behalf of the Agent-Telegrapher at Lake City.

This order was delivered to the train crew at Coster and instructs the crew to run to Lake City and return. This is a "round trip order" which this Board has construed is permitted by Rule 31 and which does not, taken alone, give rise to a claim at the point of the turn around. See Third Division Award No. 10418 - Sheridan; Third Division Award No. 4819 - Shake.

Where the same crew continuously operates the same power units there is no "handling" of train orders where only the train's designation changes because of reversing directions. See Awards 4819 and 10418 of the Third Division.

**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 Agreement has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1965.