

Award No. 13493

Docket No. TE-13069

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**SOUTHERN PACIFIC COMPANY
(Texas and Louisiana Lines)**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Pacific Lines in Texas and Louisiana (Texas and New Orleans Railroad Company), that:

1. The Carrier violated the Agreement between the parties when it required or permitted an employe not covered thereunder to handle a train order at Appleby, Texas, on December 31, 1960.

2. Carrier shall now be required to compensate Agent-Telegrapher A. R. Cornelius a day's pay at time and one-half rate.

EMPLOYEES' STATEMENT OF FACTS: The circumstances giving rise to this claim occurred on Saturday, December 31, 1960. All train order offices between terminals on the district involved (Shreveport Subdivision) were closed on this date, notwithstanding that Carrier operated trains between Lufkin, Texas and Shreveport, Louisiana, said stations being 114.5 miles apart.

Two of such trains were No. 217 West and No. 218 East, both local trains, and each having station work to perform at all enroute stations.

When No. 217 East failed to show up at the time and point designated in the train order under which operating, the conductor of said train telephoned the train dispatcher from Appleby, Texas and was informed that No. 218 had also encountered delay, whereupon the train dispatcher issued Train Order No. 64, which was handled (received, copied, repeated and delivered) by the conductor.

Train Order No. 64 superseded the previous order governing the movement of Train No. 217-East, fixed a new meet at Nacogdoches, which is located 9.2 miles from Appleby in the train's travel direction, and said order, No. 64, authorized Train No. 217-East to proceed to Nacogdoches, and said order was duly executed.

Copy of Train Order No. 64 is shown below:

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OPINION OF BOARD: The issues, parties and Agreement involved in this Claim are the same as in Award No. 13491. For the reasons stated in that Award, we will deny this claim.

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of April, 1965.