

Award No. 13796
Docket No. TE-13290

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John H. Dorsey, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

NORFOLK AND WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Norfolk & Western Railway, that:

CLAIM NO. 1

1. Carrier violated the terms of an Agreement between the parties hereto when on February 26, 1961, it required or permitted an employe not covered by the Telegraphers' Agreement to transmit a telegram at Bluefield, Virginia, during the time the Agent-Telegrapher was off duty.

2. Carrier shall, because of the violation set out in paragraph one hereof, compensate R. E. Watkins, Agent-Telegrapher, Bluefield, Virginia, for one call, two (2) hours at the time and one-half rate (pro rata rate \$2.575 per hour).

CLAIM NO. 2

1. Carrier violated the terms of an Agreement between the parties hereto when on Sunday, May 7, 1961, it permitted or required an employe not covered by said Agreement at Christiansburg, Virginia, to handle (receive and deliver) a telegram over the telephone from "GM" Office, Roanoke, Virginia.

2. The Carrier shall, because of the violation set out in paragraph one hereof, compensate W. M. Harman, regularly assigned relief Agent at Christiansburg for one call, two (2) hours at the time and one-half rate (pro rata rate of \$2.6125 per hour).

EMPLOYEES' STATEMENT OF FACTS:

CLAIM NO. 1

The facts in Claim No. 1 are: At page 49 of the parties' agreement, Schedule of Wages, under the caption "Pocahontas Seniority District" are

there is no more merit in the Employees' claims in this case than there was to their claims in Award 10525.

Denial of the claims in the instant case in their entirety is respectfully requested.

OPINION OF BOARD: This case involves the same parties, rules and in substance the same issues as in Award Nos. 10525, 12118 and 12122. We hold these Awards to be controlling precedents dispositive of the issues herein presented. We will deny the 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 the 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 30th day of July 1965.