



Award No. 14269
Docket No. TE-13652

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Don Hamilton, Referee

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers that Carrier violated their Agreement with the ORT, when it allowed trainman on Extra 9853 South copy Train Order No. 75, dated October 24, 1960, at closed Block Station Atterbury at 8:37 P. M., an employee not covered by the Telegraphers' Agreement.

Regular assigned Block Operator H. F. Taskey was available to perform this work and is entitled to be compensated one call (three hours' pay) at his rate of pay. Violation Scope of the Agreement.

EMPLOYEES' STATEMENT OF FACTS: This claim involves the violative handling of a train order by a Brakeman on Train Extra 9853 South at Atterbury, Indiana, at 8:37 P. M., October 24, 1960. Atterbury existed for many years as a block station where train orders were handled by employees covered by the Agreement. The last Operator's position at this point was closed July 29, 1959.

The station is located on the Carrier's line extending from Indianapolis, Indiana to Louisville, Kentucky, some 110 miles. Carrier's time table lists the several stations mentioned in the claim, in the following order, with mileage indicated from Indianapolis southward:

Dale	1.7
Southport	7.1
Greenwood	10.7
Whiteland	15.3
Land	15.5
Franklin	20.3
Elvin	21.4
Amity	25.1
Atterbury	28.5
Edinburg	30.6

(Exhibits not reproduced.)

OPINION OF BOARD: The same basic questions which are presented in this case were before the Board in Award No. 13314, involving these identical parties. The issues were discussed at length in that award, and we adopt the opinion therein expressed as controlling in the instant case.

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 violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of March 1966.

CARRIER MEMBERS' DISSENT TO AWARD NO. 14269, DOCKET NO. TE-13652 (Referee Hamilton)

We dissent for the reasons set forth in detail in Carrier Members' Dissent to Award 13314 (Hamilton) involving a similar dispute between these same parties.

R. A. DeRossett
G. L. Naylor
C. H. Manoogian
W. M. Roberts