



Award No. 14487
Docket No. TE-14132

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Benjamin H. Wolf, Referee

PARTIES TO DISPUTE:

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

GULF, MOBILE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Mobile and Ohio Railroad, that:

1. Carrier violated the Agreement between the parties when on April 16, 1962 it required or permitted a section foreman at Hiwanee, Mississippi, not covered by said Agreement, to transmit a message to the train dispatcher at Tuscaloosa, Alabama and to receive a lineup on trains from the dispatcher.

2. Carrier shall be required to compensate W. D. Long, senior telegrapher idle on rest days, in the amount of eight hours' pay at the time and one-half rate.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective June 1, 1953, as amended and supplemented, is available to your Board and by this reference is made a part hereof.

Hiwanee, Mississippi, is a station on the Southern Division. There are no positions under the Agreement at this station. At 1:54 P. M. on April 16, 1962, Section Foreman Burnett, an employe not covered by the Agreement, used the telephone to transmit the following message to the Train Dispatcher at Tuscaloosa, Alabama:

"Hiwanee, Miss. 4/16/62
To B.H.P. Tuscaloosa, Ala.

Have north local today pick up at Boice 2 flats and one box
and take to Shubuta to load dragline tomorrow. Sig. Burnett."

After transmitting the above message to the Train Dispatcher, the Section Foreman received the following lineup from the Train Dispatcher:

"Tuscaloosa 4/16/62

To Section foreman; Hiwanee Miss;
North local left Citronelle at 1:05 PM

BHP."

Claim was initiated by a time slip from Operator Boardman which was declined by the Chief Dispatcher, then handled by the District Chairman in behalf of the senior idle telegrapher W. D. Long. The Chief Dispatcher's letter of denial and subsequent correspondence between the parties is attached hereto as ORT Exhibits 1 through 7.

(Exhibits not reproduced.)

CARRIER'S STATEMENT OF FACTS: The claim alleges a violation of the Telegraphers' Agreement because a Section Foreman at Hiwanee, Mississippi used the telephone to talk to the Train Dispatcher at Tuscaloosa, Alabama. According to the information furnished by the claimants, the Section Foreman told the Dispatcher, "Have north local today pick up at Boice 2 flats and one box and take to Shubuta to load dragline tomorrow". The Dispatcher then told the Section Foreman, "North local left Citronelle at 1:05 PM".

There has never been a telegrapher employed at Hiwanee.

The claim asks that Telegrapher W. D. Long, who is assigned as telegrapher at Meridian, Mississippi, be paid eight hours at penalty rates because of the telephone conversations. Meridian is approximately forty-five miles north of Hiwanee. Meridian, Hiwanee and Tuscaloosa are on the Carrier's Southern Division.

The Agreement between the parties is one effective June 1, 1953. A copy of this Agreement is on file with this Board and by reference made a part hereof.

OPINION OF BOARD: At 1:54 P. M. April 16, 1962, a section foreman at Hiwanee, Mississippi, called the train dispatcher at Tuscaloosa, Alabama, and asked him to "Have north local today pick up at Boice 2 flats and one box and take to Shubuta to load dragline tomorrow." The dispatcher told the section foreman that the "North local left Citronelle at 1:05 P.M." No telegrapher is employed at Hiwanee.

Claim for a day's pay was filed on the ground that the conversation was in fact the sending of a message of record and receipt of a line-up.

Previous awards have disposed of numerous disputes between these parties concerning the issues raised by the Employees with respect to the handling of alleged messages of record.

The record before us is not adequate to determine whether the response of the train dispatcher was in the nature of a line-up or merely information that the local was out of reach for the purpose indicated.

Since the Employees have not met their burden of establishing facts sufficient to support their contentions the claim must be dismissed.

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 claim will be dismissed in accordance with the Opinion.

AWARD

Claim dismissed.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of June 1966.