



Award No. 17038
Docket No. TE-16569

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Robert A. Franden, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

NORFOLK AND WESTERN RAILWAY COMPANY
(Lake Region)

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Norfolk and Western Railroad (Lake Region), that:

1. Carrier is violating the Telegraphers' Agreement daily, Monday through Sunday, by allowing and/or requiring train service and clerical employees to operate the telephone at Bellevue West-End for the purpose of blocking trains and handling train information (messages).

2. Carrier shall be required to compensate the first-out, idle extra employee, or in case where no extra employees are idle, the senior regular assigned telegrapher employee observing rest days, in accordance with paragraph (d) of Mediation Agreement of February 23, 1962, for each occasion until violative practice is discontinued.

EMPLOYEES' STATEMENT OF FACTS: The Agreement between the parties, effective February 1, 1951, as amended and supplemented, is available to your Board, and by this reference is made a part hereof.

These claims were presented to the Chief Train Dispatcher, his decision appealed to the Superintendent and thence to the Director of Personnel of the Carrier, including conference, all within the time limits as provided by the parties. Employees' Exhibits TCU No. 1 through 15 are copies of the correspondence exchanged on the property. Having failed to secure settlement with the Carrier, the Employees appeal these claims to your Honorable Board for adjudication.

Bellevue, Ohio is located on the Toledo District of the Pittsburgh Division of the Carrier, extending from Toledo, Ohio to Brewster, Ohio. Bellevue is located 53 miles east of Toledo and 82.8 miles west of Brewster, as shown on the time table for the Toledo District, TCU Exhibit No. 13. There is a Tower at Bellevue manned by Towermen under the Agreement between this Union and the Carrier. These employees provide continuous communication

CARRIER'S EXHIBIT B — June 21, 1965 — Denial of Claim — Chief Train Dispatcher to District Chairman.

CARRIER'S EXHIBIT C — June 23, 1965 — Rejection of denial — District Chairman to Chief Train Dispatcher.

CARRIER'S EXHIBIT D — June 23, 1965 — Appeal — District Chairman to Superintendent.

CARRIER'S EXHIBIT E — August 4, 1965 — Denial of Appeal — Superintendent to District Chairman.

CARRIER'S EXHIBIT F — August 23, 1965 — Rejection of denial — District Chairman to Superintendent.

CARRIER'S EXHIBIT G — September 7, 1965 — Appeal — General Chairman to Director of Personnel.

CARRIER'S EXHIBIT H — November 3, 1965 — Denial of appeal — Director of Personnel to General Chairman.

CARRIER'S EXHIBIT I — June 27, 1966 — Conference confirmed and affirmation of denial — District Chairman to General Chairman.

CARRIER'S EXHIBIT J — July 19, 1966 — Thirty day extension granted — Director of Personnel to General Chairman.

CARRIER'S EXHIBIT K — July 18, 1966 — Rejection of denial — General Chairman to Director of Personnel.

CARRIER'S EXHIBIT L — August 9, 1966 — Affirmation of denial — Director of Personnel to General Chairman.

(Exhibits not reproduced.)

OPINION OF BOARD: For the reasons set forth in the award covering Award No. 17036, 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 Agreement was not 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 March 1969.