

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19241
Docket Number TD-18902

David Dolnick, Referee

(American Train Dispatchers Association
PARTIES TO DISPUTE: (
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(a) The St. Louis-San Francisco Railway Company (hereinafter "the Carrier") violated the effective Agreement between the parties, Article 1 thereof in particular, when on June 29, 1969, it required and/or permitted other than those covered thereby, to perform work covered by said Agreement.

(b) Carrier shall now compensate Train Dispatcher C. E. Gray one day's compensation at time and one-half the daily rate applicable to Assistant Chief Dispatcher for said violation on the rest day of Claimant.

OPINION OF BOARD: The message complained of here was sent by the Trainmaster at Enid, Oklahoma to the Chief Dispatcher. It reads:

"Enid 305 PM June 29 69
HOB SO
Run Trains as follows June 30th
No 638 4 Units 630 AM
No 661 2 Units 745 AM
No 632 1 Unit 815 AM
Bender Turn 2 Units 11 AM
Extra West 1 Unit 1 PM
Southard Swr 2 Units 2 PM

WHH"

The facts and circumstances are identical with those adjudicated in Award No. 19240. For the reasons stated in that award, and in Awards 19089 and 19090, on this property, this claim has no merit.

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Docket Number TD-18902

Page 2

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. A. Kilham
Executive Secretary

Dated at Chicago, Illinois, this 31st day of May 1972.