

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22982
Docket Number CL-22886

Robert A. Franden, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employes
(
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8791) that:

1. Carrier violated the terms of the agreement between the parties when on February 12, 1978, it required telegrapher Gilbert at York, Alabama to relay via radio Train Order No. 218 to Engineer Hitt on Extra 634 North at Boligee, Alabama, at approximately 5:40 a.m.
2. Carrier violated the agreement between the parties when it required operator Gilbert at York, Alabama, to relay via radio Train Order No. 219 to Conductor Harris on Extra 418 North at Boligee, Alabama, at approximately 5:45 a.m., on February 12, 1978.
3. Account violation of Article I and Agreement No. 3 effective August 10, 1977, of the Telegraphers' Schedule, Carrier shall now be required to allow Mr. B. C. Thompson an additional two-hour call at the rate of his regular assigned position on February 12, 1978.

OPINION OF BOARD: This dispute centers around the issue of whether the train in question was located on the same subdivision as the telegrapher who relayed the train order at the time the message was transmitted from York to Boligee.

It is clear from the record that the Mobile and Columbus Subdivisions converge at York. It is further clear that the Carrier has assigned the Southern Railway trackage over which the Carrier operates from York to Boligee to the Columbus Subdivision. That being the case, the Carrier acted properly and in compliance with the agreement when it used the telegrapher at York to relay the train order to the crew at Boligee.

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 Employes involved in this dispute are respectively Carrier and Employes 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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1980.