

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23061
Docket Number CL-23016

George S. Roukis, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8846)
that:

1. Carrier violated the agreement between the parties when it required relief operator G. E. Thomas to leave train orders and clearance on the desk for a train crew to pick up which had been called for 11:30 p.m. on April 23, 1978.

2. Carrier shall compensate Mr. G. E. Thomas an additional two-hour call for April 23, 1978, account violation of Article I of the telegraphers' schedule.

OPINION OF BOARD: The claim of Operator G. E. Thomas seeks an additional call for April 23, 1978 because he was allegedly required to leave train orders on his desk after 11:30 p.m. for the train crew of Train No. 822 to pick up. Operator Thomas could not be on duty beyond 11:30 p.m. on that date without being in violation of the Hours of Service Law.

In defense of the claim Carrier has pointed out that the Engine and Train Crew for Train 822 signed the train register as going on duty at 11:30 p.m. All other physical evidence, i.e., watch checks, time slips and statements from the crew indicate that the crew of Train No. 822 went on duty at 11:30 p.m. This evidence is uncontested in the record.

Thus, it would seem that there was no need for the Train Orders to be left on the desk - Telegrapher Thomas was on duty until 11:30 p.m. The train crew came on duty at 11:30 p.m.

The claim will be denied.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 14th day of November 1980.