

AWARD NO. 102
CASE NO. 5 - ORT SUPPLEMENT NO. 2

SPECIAL BOARD OF ADJUSTMENT NO. 100

PARTIES) The Order of Railroad Telegraphers
)
TO)
)
DISPUTE) St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

1. Carrier violated Article 1 (Scope) and other rules of the Telegraphers' Agreement when, at or about 5:30 A.M., February 19, 1956, it caused, required and permitted Brakeman C. W. Allen, an employe not covered by the Telegraphers' Agreement and holding no rights thereunder, to receive, copy and handle a message at Lewisville, Arkansas, which work is, by agreement, solely and exclusively reserved to employes coming within the scope of the Telegraphers' Agreement.

2. In consequence of its violative action, Carrier shall be required to compensate R. H. Patrick, Clerk-Telegrapher, in accordance with the provisions of Article 6-4 (Call Rule), who should have been called to perform the work of receiving, copying and handling the message in question.

FINDINGS: The instructions given by the dispatcher to the trainman at Lewisville to pick up cars was merely instructions for station work and not a communication of record. The communication of record ordering the train to cancel instructions to wait for the L&A connection at Stamps was properly handled by the telegrapher at that point. The message received by the trainman here was not a communication of record and was not violative of the Telegraphers' scope rule.

AWARD: Claim denied.

/s/ Frank P. Douglass
Frank P. Douglass, Chairman

/s/ O. C. Jones
O. C. Jones, Employee Member

/s/ L. C. Albert
L. C. Albert, Carrier Member

Dissenting.

Tyler, Texas
December 13, 1956.

12/17/56