

Award No. 33
Docket No. 33
MOP File 380-1055-153
ORT File 1163-54

SPECIAL BOARD OF ADJUSTMENT NO. 117

ORDER OF RAILROAD TELEGRAPHERS
and
MISSOURI PACIFIC RAILROAD COMPANY

Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad that:

1. Carrier violated the agreement between the parties when it required or permitted B. C. Lowery, Agent-Telegrapher, Newark, Arkansas, on March 27, 1954, to suspend work.
2. Carrier shall now compensate B. C. Lowery at the straight time rate for 8 hours on March 27, 1954.

OPINION OF BOARD: While existing facts in this claim are not identical with those present in Docket No. 28, said claim under consideration here involves the same parties and the same rules as were present in Docket No. 28, Award No. 28, previously considered by this Board.

It is the opinion of the Board that the controlling factual situation here present, when considered in the light of the cited rules, is comparable to that considered and applied in the aforesaid award. For the reasons stated and to the extent indicated in Award No. 28, this claim is denied.

FINDINGS: The Special Board of Adjustment No. 117, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act as approved June 21, 1934.

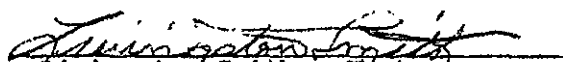
That this Special Board of Adjustment has jurisdiction over the dispute involved herein; and,

That the Carrier did not violate the effective agreement.


AWARD

Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 117


Livingston Smith - Chairman


C. O. Griffith - Employee Member


G. W. Johnson - Carrier Member

St. Louis, Missouri
July 26, 1956