

SPECIAL BOARD OF ADJUSTMENT NO. 132

Parties: THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 24

STATEMENT OF CLAIM: 1. Carrier violated and continues to violate the agreement between the parties hereto when on October 10, 13, and 20, 1949, inclusive, and other subsequent dates it caused, required, and permitted train service employees not covered by the Telegrapher's Agreement, to handle (receive, copy, and deliver) train orders at Loveberry, West Virginia, which work was and is reserved solely to employees covered by the Telegrapher's Agreement.

2. Carrier be required to permit a joint check of its records to determine the number of violations occurring subsequent to the foregoing dates on which joint check of records shows agreement to have been violated.

3. Carrier be required to compensate the senior idle telegrapher (extra in preference) for one day's pay (8 hours) on each and every date shown above, and all subsequent dates on which joint check of records shows Agreement to have been violated.

FINDINGS: The facts in this case are similar to those involved in Docket No. 1. There never was an operator assigned at Loveberry. The orders were copied at the ends of spur tracks. For the reasons stated in our Findings in Docket No. 1 we find no basis for a sustaining Award in this docket.

It is worthy of note that the practice of handling train orders at Loveberry in the manner now made subject of complaint is one of many years standing and that there was no further handling of this claim since August, 1951, when it was declined for the second time by the Carrier's highest designated officer. Such dilatory handling is of itself a reflection upon the merits of the claim. That factor combined with the practice is a further indication of the correctness of the conclusions reached in our Findings in Docket No. 1.

AWARD

Claims (1), (2), (3) Denied.

/s/ Francis J. Robertson  
Francis J. Robertson,  
Chairman

/s/ B. N. Kinkead  
B. N. Kinkead  
Employee Member (Dissenting)

/s/ T. S. Woods  
T. S. Woods  
Carrier Member

Dated at Baltimore, Maryland this 23rd day of April, 1957.

July 2, 1957/th