

SPECIAL BOARD OF ADJUSTMENT NO. 186

AWARD NO. 3

Organization's File

C-874

Carrier's File

TE-6-55

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on The Denver and Rio Grande Western Railroad:

"1. That carrier violated the agreement between the parties when it required and permitted signal maintainer F. E. Smith to transmit messages (communications of record) at Kremmling, Colo., on March 13 and 20, 1955, at times the agent-telegrapher regular assigned at Kremmling was off duty but available for call;

"2. That agent-telegrapher C. J. Lomax of Kremmling be compensated in accordance with the call rule for each occasion that messages (communications of record) were transmitted by the signal man from Kremmling on the dates aforesaid."

FINDINGS: Claim here is for pay under the Call Rule to the Agent-Telegrapher at Kremmling upon the ground that a signal maintainer transmitted messages which constituted communications of record to the dispatcher at times when the agent-telegrapher, regularly assigned at Kremmling, was off duty but available for call.

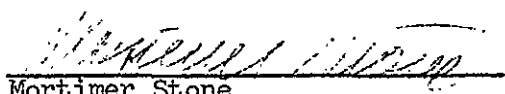
It appears that on the two occasions involved, the signal maintainer at Kremmling was advised that a certain signal was not functioning properly, that he went out and corrected the trouble, called the train dispatcher from the first telephone available and advised him that it was again in order.

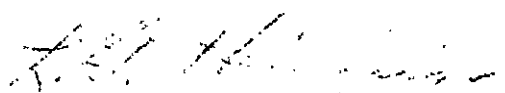
The claim before us is not based upon that message but on the fact that some time later, after returning to Kremmling, the signal maintainer telephoned to the telegrapher at Phippsburg where continuous around-the-clock service was maintained and instructed him to send a message to all concerned

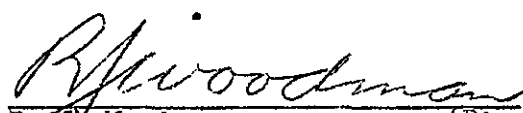
Award No. 3 (Continued)

advising them that the signal involved had been put in working order some time before. These messages were sent by the signal maintainer after he had notified the train dispatcher that the signals involved were functioning properly. They were in no sense train orders or sent for the purpose of affecting train movements but in connection with the operation of signals and the sending of a report to the offices concerned of the work which had been performed by the signal maintainer. They did not serve as substitute for telegraph message of the pretelephone days but rather as a substitute for the numerous copies of a report which in that date would have been sent by mail to the several offices concerned.

AWARD: Claim denied.


Mortimer Stone
Chairman, Neutral Member


L. G. Heinlein
Carrier Member


R. J. Woodman (Dissenting)
Organization Member

Dated at Denver, Colorado, August 3, 1957.