

Under the  
RAILWAY LABOR ACT  
Special Board of Adjustment No. 226  
Hearings April 9-30, 1958  
Dallas, Texas  
Award No. 11



PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS  
MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM:

Group 2 ORT Claim No. 35 in behalf of W. C. Brimm, Adair, Oklahoma, for eight (8) hours' pay at the minimum rate for Telegraphers account Conductor R. F. Geib of Train No. 75, using the telephone at Adair, at 4:51 a.m., July 4, 1957 in violation of Rule 1 (a) and 1 (d) to report to train dispatcher that his train was having hot-box trouble and suggested to the dispatcher that he give train No. 22 a message that No. 75 would hold the main track at Adair and head No. 22 through the siding.

FINDINGS:

The Carrier's submission reveals that the Agent at Adair was off duty at 4:51 a.m. on July 4, 1957 when the alleged violation occurred.

Rule 1 (d) provides that, if "station or other employes at closed offices" are "used in emergency" "to handle train orders, block or report trains, receive or forward messages by telephone," "the pay for the Agent or Telegrapher at that office.... shall be the minimum rate per day for telegraphers."

The hot box trouble created an emergency for Train 75. The need for assistance for the train, as disclosed by the facts, seems fully as important as the need for a "call" for train order assistance in emergency under Rule 1 (e). We find therefore that the communication between Conductor Geib and the train dispatcher are within the purview of Rules 1 (a) and 1 (d).

AWARD:

Claim sustained.

/s/ Daniel C. Rogers  
Daniel C. Rogers, Chairman  
Fayette, Missouri

/s/ W. I. Christopher  
W. I. Christopher, Employee Member  
Deputy President, O. R. T.  
3860 Lindell Blvd.  
St. Louis 8, Missouri

/s/ A. F. Winkel  
A. F. Winkel, Carrier Member  
Ass't. General Manager  
Missouri-Kansas-Texas Lines  
Dallas, Texas

Dallas, Texas

August 1, 1958