

AWARD NO. 75
CASE NO. 65
Sub 2590 TE-10440
263/ 2-7
(87-57)

SPECIAL BOARD OF ADJUSTMENT NO. 266

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

EMPLOYEES' STATEMENT OF CLAIM:

Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware, Lackawanna and Western Railroad, that:

1. The Carrier violated the Agreement between the parties when on June 21, and again on June 24, 1957, it permitted or required train service employees not covered by the Telegraphers' Agreement to handle (receive, copy and deliver) train orders at Paradise Crossover (Penna.) in the absence of an emergency.
2. The Carrier shall, because of the violation set forth above, compensate the senior idle telegrapher, extra in preference, a day's pay (\$16.93) for each of the dates set out in the claim, in accordance with the provisions of Article 3 (c) of the Agreement. A joint check of the Carrier's records to be made to determine the payees.

OPINION OF BOARD:

Our Award 72 is controlling in the present case.

AWARD:

Claim denied.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Neutral Member

Dissenting
W. I. Christopher, Employee Member

/s/ R. A. Carroll
R. A. Carroll, Carrier Member

New York, N. Y.

December 14, 1959