



AWARD NO. 48
DOCKET NO. 48
CASE NO. 2733

SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS
vs.
MISSOURI PACIFIC RAILROAD COMPANY
(Southern & Western Districts)

STATEMENT OF CLAIM:

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

1. Carrier violated the Agreement between the parties when it required or permitted employees not covered by the Agreement to perform work reserved to Telegraphers under Rule 1, the Scope Rule on Sept. 27, 1957 at Kansas City, Mo.
2. Carrier shall compensate Telegrapher A. R. King, 'CY' Office, Kansas City, Mo. 8 hours at the time and one half rate (\$2.345 pro Rata) for September 27, 1957."

OPINION OF BOARD:

The record shows that on date of claim an employee of the American Refrigerator Transit Company at Kansas City telephoned information concerning the diversion and unloading of a car of peaches to an employee of the Missouri Pacific Railroad Company at Hoisington, Kansas, represented by The Order of Railroad Telegraphers, which it is alleged by the Organization constituted a violation of the Agreement between the Missouri Pacific Railroad Company and The Order of Railroad Telegraphers.

In view of the fact that the American Refrigerator Transit Company is a separate corporate entity, it is clear that the work here complained of is not subject to the Agreement between the parties to this dispute.

FINDINGS: The record does not support a sustaining award.

AWARD

Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 305

/s/ Donald F. McMahon
Donald F. McMahon - Chairman

/s/ R. K. Anthis
R. K. Anthis - Organization Member
St. Louis, Missouri
June 10, 1960

/s/ G. W. Johnson
G. W. Johnson - Carrier Member