



CASE NO. 3
ORT 1747

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT
OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the New York, New Haven and Hartford Railroad Company that:

(a) The Carrier has violated and continues to violate the provisions of the Agreement between the parties when and because it has declined and continues to decline to assign to employees covered by the said Agreement the duties of operating all printing telegraph machines and other mechanical machines used for transmitting or receiving communications of record, and all auxiliary machines used to perforate tape or cards in a secondary operation which transmit or receive communications of record;

(b) the Carrier shall be required to forthwith assign all such duties to employees covered by the Telegraphers' Agreement; and

(c) for each and every eight hour trick that these printing telegraph, card-controlled tape punch, tape-controlled card punch machines have been or may be operated by employees not under the Agreement, the senior idle extra employees under the Telegraphers' Agreement shall be paid by the Carrier a day's pay at the telegrapher rate applicable to the particular location."

FINDINGS:

This is an attempted revival of the claim dismissed without prejudice by Third Division Award No. 5627. The addition of the words without prejudice to a dismissal order do not authorize a rehearing upon the claim dismissed, but simply means that it is not res adjudicata as to future actions or claims.

Hence this claim having been dismissed by a competent tribunal is not properly adjudicable again.

AWARD:

Claim denied.

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/s/ Dudley E. Whiting
DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman
RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Gaherin
J. J. GAHERIN, Carrier Member

October 7, 1960