

AWARD NO. 18

CASE NO. 20
SSW FILE 47-313-7

SPECIAL BOARD OF ADJUSTMENT NO. 353

PARTIES) Transportation-Communication Employees Union
)
TO)
)
DISPUTE) St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

Claim of the General Committee of The Order of Railroad Telegraphers on the St. Louis Southwestern Railway Lines, that:

1. Carrier violated the Agreement between the parties when it failed and refused to compensate H. R. Lucas, Sr., Agent-Telegrapher at Gilmer, Texas, for October 22, 1962.

2. Carrier shall be required to compensate H. R. Lucas, Sr., in the amount of a day's pay (8 hours) for October 22, 1962.

OPINION OF BOARD:

Claimant was the regularly assigned Agent-Telegrapher at Gilmer, Texas, a one-man station with assigned hours of 7:00 A.M. to 4:00 P.M., Monday through Friday.

On Friday, October 19, 1962, Claimant addressed the following message to J. R. Holden, General Superintendent, W. R. Howard, Chief Dispatcher, at Pine Bluff, Arkansas, and to E. M. Hill, Auditor at Tyler, Texas:

"On account serious illness of my wife please arrange to relieve me Monday 7AM for week or two or longer depends on her condition. Suggest and would appreciate you sending Mr. J. R. Johnson to relieve me as he has been here before. Please advise."

This telegram was sent to the Tyler relay office via Morse and relayed to Pine Bluff via teletype. The telegram was received in the Pine Bluff relay office at 1:15 P.M. October 19. At 4:05 P.M. Chief Dispatcher Howard sent the following telegram to Agent Lucas at Gilmer:

"H R Lucas - Gilmer

"J T Gold

"E F Meek-E M Hill-Auditor Hildebrand - Tyler

"Account illness Lucas family, J. T. Gold arrange protect Agency Gilmer Monday October 22. Usual transfer arrangements and handling of keys will be made. Gold acknowledge. D-1209.

"W. R. Howard 4:05 p.m."

Claimant went off duty at 4:00 p.m. on Friday, Oct. 19th. On Saturday, October 20, Claimant worked a two hour call from 9:00 A.M. till 11:00 A.M. Claimant states that during this time he did not receive the telegram from the Chief Dispatcher and that during that time he transmitted two telegrams addressed to Chief Dispatcher Howard at Pine Bluff. He also alleges that after sending these wires he asked for any wires they might have for Gilmer.

Claimant reported for work at 7:00 A.M. Monday, Oct. 22, and worked until 8:00 A.M. when extra Telegrapher Gold arrived to relieve Claimant.

Claimant submitted a time slip for eight hours at the pro rata rate for October 22. This claim was denied by Carrier.

It is apparent that Claimant did not receive a copy of Carrier's telegram and had an obligation to protect his assignment until advised otherwise by the Carrier.

See S.B.A. 353 Award - number 3.

We will sustain the claim.

FINDINGS: That the Carrier violated the agreement.

AWARD: Claim sustained.


Don J. Harri, Chairman


D. A. Bobo, Employee Member


M. L. Erwin, Carrier Member

