

Award No. 117
Case No. None
(BU 6806-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties: THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 117

STATEMENT OF CLAIM: "1. Carrier violated the Agreement between the parties when on May 28, 1959, at Flemington, West Virginia, it required or permitted a conductor, not covered by said Agreement, to use the telephone to communicate directly with the train dispatcher relating to the movement and handling of his train and cars.

2. Carrier shall be required to compensate Operator W. H. Davis in the amount of a day's pay (8 hours) on May 28, 1959."

FINDINGS: The Organization here relies on our prior Award in Dockets Nos. 39, 49 and 50 in support of its claim, while Carrier argument is that this case is distinguished by the fact that an Agent-Operator has been stationed at Flemington since November 1957; hence, no operator was displaced by its action.

While it is true that the Agent-Operator position was created in November of 1957 in consequence of Award No. 63, SBA No. 132; it is also true this same Agent-Operator position was in existence at the time of the incidents upon which the claim in our Award No. 49 arose (November 9 to 25, 1958). In fact, Carrier made the same argument when we were considering the Union's claim in Docket No. 49.

We will follow our Award in that Docket and issue a sustaining Award.

A W A R D

Claim sustained.

/s/ Edward A. Lynch
Edward A. Lynch
Chairman

/s/ R. K. Anthis
R. K. Anthis
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland,
this 17th day of April, 1963.