

AWARD 137
CASE None
(BU-7942-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 137

STATEMENT OF CLAIM: "1.- Carrier violated the Agreement between the parties when on October 4, 13 and 20, 1960 it required or permitted employees not covered by said Agreement to handle Train Orders H. M. Junction, Ohio.

2.- Carrier shall be required to compensate in the amount of a day's pay each operator P. E. O'Leary on October 4, 1960 and M. W. Fogle on October 13, 1960 and D. C. Waller on October 20, 1960."

FINDINGS: We have already held the phrase "within station limits" to mean within the ends of the auxiliary tracks serving such station and within the control of the operator at that station.

We have likewise held that nowhere in the applicable agreement is "yard limits", per se, set forth as a permissible area for use of the telephone.

HM Junction is not within the ends of the auxiliary tracks serving New River Junction. The fact that HM Junction may, or may not, be within the yard limits of New River Junction does not place it within the station limits of New River Junction.

Carrier argument before this Board that the practice made basis of this claim "has been in effect since the connection track was placed in operation in June, 1954 without any protest or claims having been submitted" does not now place HM Junction within the station limits of New River Junction. A sustaining award is, therefore, required.

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 31st day of May, 1963

June 17, 1963