

SPECIAL BOARD OF ADJUSTMENT NO. 355

Award No. 144

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

Case No. None  
BU 5635-6797-  
6802-6803-6805-  
7946-7947-8022-33

AWARD IN DOCKET NO. 144

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties when it required or permitted others not covered by said agreement to transmit and/or receive messages at Whitcomb, Indiana on January 15, 17, 21, 23, 24, 1958, April 13, 1959, May 1, 7, 12, 1959, September 11, 1959, October 26, 27, 28, 29, 1959, November 2, 1959, August 8, 1960, November 7 and 8, 1960.
2. Carrier shall be required to compensate an idle operator in the amount of a day's pay (8 hours) on each date set forth above.

FINDINGS:

What we are here confronted with is the act of a Yardmaster "listening in" to the transmission of reports from one operator to another, and copying such information as he required.

Such an act does not violate the agreement and a denial award will be made.

A W A R D

Claim denied.

/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.