

CASE NO. 79
AWARD NO. 22
ORT FILE BU 5777-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 22

STATEMENT OF CLAIM:

1. Carrier violated the Agreement between the parties when on August 19 and 27, 1957, at Spring Curve, Maryland, it required or permitted train service employes to receive and copy train orders and Form A.

2. Carrier shall compensate an idle operator on each date in the amount of a day's pay (8 hours).

FINDINGS:

Here we are concerned with claim arising at Spring Curve, Maryland. It is located 0.5 mile east of Evitts Creek and 4.6 miles west of Patterson Creek, both continuously operated telegraph offices. No telegraph office was located there since September 24, 1955.

There was located there a hand-thrown switch to a temporary siding. To the extent it was in use, it was part of the auxiliary tracks, and under the control of the operator at Evitts Creek. It was, accordingly, within Evitts Creek station limits and the claim will be denied.

AWARD

Claim denied.

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

/s/ B. N. Kinhead
B. N. Kinhead
Employee Member
(Dissenting)

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

Dated at Baltimore, Maryland this
31st day of August, 1961.