

SPECIAL BOARD OF ADJUSTMENT NO. 355

CAR. FILE: 1933
COM. FILE: A-2720
GR. DIV. BU-6820-33
CASE NO. 256

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

AWARD IN DOCKET NO. 256

STATEMENT OF CLAIM: 1. Carrier violates the Agreement between the parties when, on January 7, 8, 15, 19, 22, 27, February 1, 3, 4, 9, 1960 and subsequent dates, it requires or permits others not covered by said Agreement to use the telephone in connection with movements over the B&O-NYC crossing at AK Tower, Ohio.

2. Carrier shall compensate Operators in the amount of a day's pay (8 hours):

J. L. Ramey	1/ 7/60
H. B. Drees	1/ 8/60
T. G. Vannoy	1/15/60
R. M. Vannoy	1/19/60
G. R. Parry	1/23/60 and 2/4/60
J. A. McDaniel	1/27/60
L. E. Price	2/ 1/60 and 2/9/60
J. R. Bradley	2/ 3/60

and compensate an idle operator in the amount of a day's pay (8 hours) on each subsequent date each violation occurs.

FINDINGS: A New York Central train, on NYC tracks, crossing over B&O tracks has no relation to a B&O train operating on B&O tracks within CTC territory, insofar as Award No. 59 of SBA No. 152 is concerned. In our Award in Docket 192 we said:

"In the course of their movement, these NYC trains cross the B&O tracks at Troy. And these claims arise because these NYC crews telephone the B&O dispatcher for permission to cross the B&O tracks at that point.

"Thus, we do not have here the same situation upon which our prior Awards relating to use of the telephone within CTC territory were predicated, and a sustaining Award is required where such violations are shown to have been committed by a New York Central crew."

We sustained the Organization under identical circumstances in Docket No. 192. We will do likewise here.

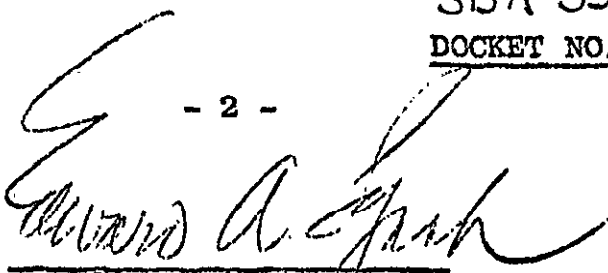
A W A R D

Claim sustained. Subsequent dates to be handled in the manner established under prior Awards of this Board.



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Edward A. Lynch
Chairman


C. R. Pressly
Employee Member
E. E. Plitt
Carrier Member
Dissenting

Dated at Baltimore, Maryland
this 16th day of September, 1964.