

CAR. FILE: 2619
COM. FILE: A-3409
GR. DIV. BU-8587-33
CASE NO. 257

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 257

STATEMENT OF CLAIM: 1 - Carrier violated the Agreement between the parties on June 4, 1961 when it required or permitted a train service employee at Cloe, Pennsylvania, to secure Form A from the operator at Riker.

2 - Carrier shall compensate Operator W. H. Cowan in the amount of a day's pay (8 hours) on June 4, 1961.

FINDINGS: Here again Carrier uses Yard Limits per se as a defense. We have previously rejected the claim that yard limits are synonymous with station limits, insofar as Article 35 is concerned.

The evidence presented here leads us to conclude that the work extra should have called XD Tower, but did not because the operator position at XD is blanked on Sunday. Hence, the call was made to the operator at Riker. A sustaining Award is, therefore, in order but compensation for the violation should be made to the operator eligible to receive it in the light of these findings on a call basis.

A W A R D

Claim sustained in accordance with Findings.



Edward A. Lynch
Chairman



C. R. Pressly
Employee Member



E. E. Plitt
Carrier Member

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