

SPECIAL BOARD OF ADJUSTMENT NO. 355

AWARD NO. 35
CASE NO. 41
ORT FILE 2959

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 35

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on September 4, 1957, it caused, required and permitted Conductor Umphrey on the Gypsum Switcher, an employe not covered by the Telegraphers' Agreement, to copy a message at East Shoals, Indiana, over the telephone from the train dispatcher for a car inspector at East Shoals, Indiana.
2. Carrier be required to compensate an idle operator (extra in preference) pay for one day, 8 hours, because of said violation at East Shoals, Indiana, on September 4, 1957.

FINDINGS:

The conversation made subject of this claim does not constitute a message of record, and under our holdings in Docket 34, this conversation did not violate the agreement, as charged.

A W A R D

Claim denied.

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

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

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

Dated at Baltimore, Maryland,
this 20th day of February, 1962.