

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD NO. 36  
CASE NO. 43  
ORT FILE 2961

AWARD IN DOCKET NO. 36

STATEMENT  
OF CLAIM:

1. Carrier violated the agreement between the parties when on November 14, 1958, it caused, required, and permitted Conductor Batton, an employe not covered by the Telegraphers' Agreement on a work train in maintenance service to receive, copy, and deliver a message at Eaton, West Virginia.
2. Carrier be required to compensate Operator W. L. Sirk for one day's pay because of said violation.

FINDINGS:

The telephone conversation made subject of this claim is, like that in our Award in Docket No. 35, not a message of record and was, for this reason, permissible.

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.