

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD NO. 38
CASE NO. 54
BU 5881-33

AWARD IN DOCKET NO 38

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when it required or permitted an employe not covered by the Agreement to perform the work of Agent-Operator at Ridgway, Pennsylvania on October 31, 1958.
2. Carrier shall compensate Extra Operator Adam Kuzniar in the amount of a day's pay for October 31, 1958.

FINDINGS:

On October 30, 1958 -- the date Carrier alleges it first learned Agent-Operator Carbaugh was going to be absent on vacation October 31, 1958 -- Adam Kuzniar, an extra operator who was the senior applicant for the Position, "Agents and Operators to relieve Agents and Operators on Vacation" as bulletined May 7, 1958 was available. He was not called.

We will sustain the claim here only because there is no evidence in the record of Carrier having done anything to secure a substitute from the petitioning Organization. The evidence of record is that the Division Operator told Agent-Operator Carbaugh "to call Clerk Westbrook to fill the vacancy".

A W A R D

Claim sustained.

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

/s/ B. N. Kinkead
B. N. Kinkead
Employee Member

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

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