

SPECIAL BOARD OF ADJUSTMENT NO. 355

CASE NO. 4
AWARD NO. 4
ORT FILE 2328

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

AWARD IN DOCKET NO. 4

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on February 29, 1956, beginning at 10:54 AM, it required or permitted Conductor Lucas, an employe not covered by the Telegraphers' Agreement, in charge of Extra 4533 West, to handle (receive, copy and deliver) train orders Nos. 250, 251, 252, and 273, as well as Form A's, at East Shoals, Indiana, which work was and is reserved solely to employes covered by the Telegraphers' Agreement.
2. Carrier violated the Agreement between the parties hereto when on March 24, 1956, it permitted or required Engineer Braunagle, an employe not covered by the Telegraphers' Agreement, of train No. 98, to handle (receive, copy and deliver) train order No. 205 and Form A clearance card at East Shoals, Indiana, which work was and is reserved solely to employes covered by the Telegraphers' Agreement.
3. Carrier shall now compensate an idle telegrapher, extra in preference, for one day's pay of eight (8) hours for February 29 and March 24, 1956.

FINDINGS:

It is our judgment a denial award is required here for two reasons:

1. On February 29, 1956 the train involved, Extra 4533 West, was a switching crew primarily engaged in revenue service at the U. S. Gypsum plant 1.7 miles east of Shoals, Article 35 permits it to use the phone in the manner and number of times involved.
2. On March 24, 1956, the engineer called the operator at Shoals after he had picked up at East Shoals, the location of a siding servicing the U. S. Gypsum plant, and copied a train order and Form A clearance card. No operator office or position ever existed at this location; the installation of spur tracks does not constitute the creation of such an office or position.

AWARD

Claim denied.

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

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

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

Dated at Baltimore, Maryland this
31st day of August, 1961.