

CASE NO. 126  
AWARD NO. 76  
ORT FILE BU 5824-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 76

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties when on September 27, 1957 it required or permitted others not covered by the Agreement to transmit or receive messages at Johnstown, Pennsylvania.
2. Carrier shall compensate an idle telegrapher at the amount of a day's pay (eight hours) on September 27, 1957.

FINDINGS:

We cannot sustain a claim merely on Organization's statement that Carrier violated the agreement when it permitted others not covered thereby to transmit or receive "messages." Organization has here failed to meet its burden of submitting evidence as to the nature of the "messages" complained of.

A W A R D

Claim denied in accordance with Findings.

/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.