

Case No. 107  
Award No. 80  
File BU-5805-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties when on April 6 and on April 7, 1959, it required or permitted employees not covered by the Agreement to use the telephone at Ohio Pyle, Pennsylvania, to report in the clear or to secure permission to enter main track.
2. Carrier shall compensate Operator W. B. Cunningham in the amount of a day's pay (eight hours) on April 6, 1959 and Operator G. A. Kimble in the amount of a day's pay (eight hours) on April 7, 1959.

FINDINGS:

The Carrier has already (Case 1681) allowed a claim for use of the telephone by the same crew on the same dates at Stewarton, Pennsylvania, 5.3 miles west of Ohio Pyle.

We had a similar issue before us in Dockets Nos. 2 and 6.

We will follow our previous action, and deny this claim.

A W A R D

Claim denied.

/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.