

Case 95
Award 85
BU-5793-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 85

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on February 3, 1959, it required or permitted an employee not covered by the Agreement to use the telephone at Shoals, Indiana to receive and copy a message.
2. Carrier shall compensate Agent-Operator J. D. Tredway, in the amount of a minimum call payment on February 3, 1959.

FINDINGS:

There is no question that the Carrier violated the Agreement in this instance.

However, the claimant is a monthly reated employee and, under Rule 18 (e) is not entitled to the penalty sought in the claim. We so held in our Award in Docket No. 40. For this reason, this claim must be denied.

A W A R D

Claim denied for reason set forth in the 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.