

SPECIAL BOARD OF ADJUSTMENT NO. 355

AWARD NO. 33/12

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

CASE NO. 33
ORT FILE 2940

AWARD IN DOCKET NO. 33/12

STATEMENT OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on October 4, 11, 18 and 25, and November 1 and 22, and subsequent dates it caused, required and permitted the Section Foreman at Martinville, Ohio, an employe not covered by the Telegraphers' Agreement, to handle, receive, copy and deliver track car line ups (Forms 1089-D) for his track car over the telephone at Mile Post 49 plus 30 poles, which work was and is reserved solely to employes covered by the Telegraphers' Agreement.
2. Carrier be required to compensate an idle operator, extra in preference, pay for one day (8 hours) on each date listed above, and all subsequent dates on which similar violations occur at said point.
3. Carrier be required to permit a joint check of its records to determine the number of subsequent violations occurring at said point.

FINDINGS:

Organization charges here a violation at Martinsville, Ohio. Section Foreman copied track car lineups at Mile Post 49 plus 30 poles.

The parties agree Mile Post 49-30 is approximately 1660 feet west of the former telegraph office at Martinsville, which was closed January 31, 1947.

The facts indicate Mile Post 49-30 is 1,091 feet west of the switch and 1,660 feet west of the former telegraph office at Martinsville. It is beyond the station limits at Martinsville, and in line with our prior awards, this claim will be denied.

A W A R D

Claim denied.

/s/ Edward A. Lynch

Edward A. Lynch
Chairman

/s/ B. N. Kinkad

B. N. Kinkad (Dissenting)
Employee Member

/s/ T. S. Woods

T. S. Woods
Carrier Member

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