

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD NO. 33/8
CASE NO. 33
ORT FILE: 2940

AWARD IN DOCKET NO. 33/8

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when it caused, required and permitted employees not covered by the Telegraphers' Agreement to copy, receive and deliver track car line ups (Forms 1089-D) at the following locations on the Main Line of the 1st Sub-Division of the Buffalo Division on the dates listed: December 5, 13, 23 and 24, 1957, at Mile Post 230, December 4 and 10, 1957, at Mile Post 232; December 23 and 24, 1957, at Mile Post 234; and December 24, 1957, at Mile Post 234; and December 24, 1957, at Mile Post 235.
2. Carrier be required to compensate an idle telegrapher, extra in preference, pay for one day on the dates listed at each location because of said violations.

FINDINGS:

We are dealing with alleged track car lineup violations at Mile Posts 230, 232, 234 and 235 on the Main Line of the 1st Sub-division of the Buffalo Division.

The specific locations involved in this claim are Valier and North Point, Pa. A one-trick telegraph office at North Point was closed prior to December 1946. A continuously open station at Valier was closed completely September 5, 1950.

Mile Post 230 is 3,789 feet west of the switch of the first team track (the westernmost track facility) and 4,682 feet west of the former telegraph office. It is beyond the station limits of Valier.

Mile Post 232 is 1042 feet east of the east switch of Valier and 5,878 feet east of the former telegraph office. It is beyond the station limits of Valier.

At North Point there is a 4,507 ft. passing siding to which a team track is connected. These facilities are east of the former telegraph office at North Point.

Mile Post 235 is 7,032 feet west of the former telegraph office at North Point.

In summary, we agree with Carrier statement that Mile Post 230 is west of Valier and Mile Posts 232, 234 and 235 are between, but not at, either Valier or North Point. Claims will be denied.

A W A R D

Claim denied.

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

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

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

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