

Award No. 35
Docket No. 35
MOP File 380-1531
ORT File 1188-55

SPECIAL BOARD OF ADJUSTMENT NO. 117

ORDER OF RAILROAD TELEGRAPHERS
and
MISSOURI PACIFIC RAILROAD COMPANY

Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific Railroad that:

1. Carrier violated the terms of the agreement between the parties when on Monday, December 20, 1954, it failed to compensate B. J. Cole at the rate of time and one-half for 8 hours' work performed at Claremore, Oklahoma, on the 7th day of his work week and instead paid him at the pro rata rate of the position worked.
2. Carrier shall be required to pay B. J. Cole the difference between the pro rata rate and the time and one-half rate for the 8 hours' work performed on December 20, 1954.

OPINION OF BOARD: While existing facts in this claim are not identical with those present in Docket No. 28, said claim under consideration here involves the same parties and the same rules as were present in Docket No. 28, Award No. 28, previously considered by this Board.

It is the opinion of the Board that the controlling factual situation here present, when considered in the light of the cited rules, is comparable to that considered and applied in the aforesaid award. For the reasons stated and to the extent indicated in Award No. 28, this claim is denied.

FINDINGS: The Special Board of Adjustment No. 117, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act as approved June 21, 1934.

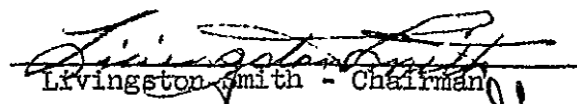
That this Special Board of Adjustment has jurisdiction over the dispute involved herein; and,

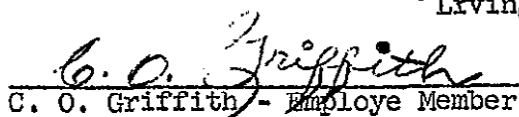
That the Carrier did not violate the effective agreement.

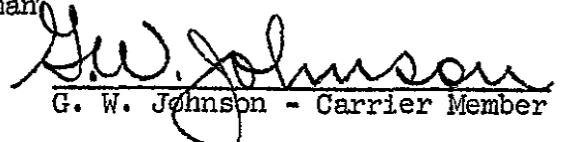
AWARD

Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 117


Livingston Smith - Chairman


C. O. Griffith - Employee Member


G. W. Johnson - Carrier Member

St. Louis, Missouri - July 26, 1956