

Under the
RAILWAY LABOR ACT
Special Board of Adjustment No. 226
Hearings April 9-30, 1958
Dallas, Texas
Award No. 12



PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM:

Group 2 ORT Claim No. 23-27-22 in behalf of J. T. Hubbard, (resigned) Houston, Texas, for eight (8) hours' pay at the minimum rate for Telegraphers account Signal Maintainer I. H. Copeland using the telephone at Eureka Yard Office on October 6, 1957 at 3:30 a.m. in violation of Rule 1 (a) and 1 (d) to contact the Train Dispatcher, at Waco, Texas, to report repairs having been made block signal circuit after having filed a message at Houston reporting such repairs to have been made.

FINDINGS:

Rule 1 (d) allows a penalty where the telephone is used by someone other than the agent or operator at a "closed office". Eureka Yards is within the terminal limits of Houston. It was not a "closed office" within the meaning of Rule 1 (d) when Copeland notified the dispatcher that repairs had been made to the signal. Such communication did not belong to an ORT employe as a matter of contractual right.

AWARD:

Claim denied.

/s/ Daniel C. Rogers
Daniel C. Rogers, Chairman
Fayette, Missouri

/s/ W. I. Christopher
W. I. Christopher, Employe Member
Deputy President, O. R. T.
3860 Lindell Blvd.
St. Louis 8, Missouri

/s/ A. F. Winkel
A. F. Winkel, Carrier Member
Ass't. General Manager
Missouri-Kansas-Texas Lines
Dallas, Texas

Dallas, Texas

August 1, 1958