

A fair inference from the record is that Mr. Harris was a resident at Clinton on the date the brakeman copied the train order. The Carrier, in urging that Rule 1 (e) applies instead of Rule 1 (d), practically admits the "availability" of Mr. Harris and practically admits he could be "promptly located" under the terms of Rule 1 (e). In cases where the telegrapher resides in the same small city where his telegraph office is located, it is prima facie that he is "available" and can be "promptly located" when he is off duty. No effort was made to call the Agent-Telegrapher to perform the train order service mentioned in the claim. The Carrier, therefore, is unable to contend and does not contend that he was not "available" or that he could not be "promptly located."

AWARD:

Claim for a "call" under Rule 1 (e) awarded.

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June 7, 1960

November 3, 1960