

Under the
RAILWAY LABOR ACT
Special Board of Adjustment No. 226

Hearings April 9-30, 1958

Dallas, Texas

Award No. 5



PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

MISSOURI-KANSAS-TEXAS LINES

STATEMENT OF CLAIM:

Group 2 ORT Claim No. 7 in behalf of E. K. Baker, Turner Yard (Oklahoma City) for eight (8) hours' pay at the minimum rate for telegraphers account Superintendent Stephenson (Mechanical Force) using telephone at Oklahoma City in violation of Rule 1 (a) and 1 (d), to transmit a message at 6:40 p.m., June 6, 1957, to Parsons, Kansas reading:

"I will tie up here tonight and be at Huckins Hotel."

FINDINGS:

We find that the message is within the Scope Rule applied to the position in question at Oklahoma City, But the claim does not allege and the ORT has furnished no proof that the office at Oklahoma City was a "closed office" at the time the message was sent. Such proof is necessary for a sustaining award under Rule 1(d). The carrier states in its answer that the Oklahoma City office was open from 7:00 a.m. to 11:00 p.m. If the Carrier is correct a message sent at 6:40 p.m. would not violate Rule 1 (d).

AWARD:

Claim denied.

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

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

/s/ A. F. Winkel
A. F. Winkel, Carrier Member
Asst. General Manager
Missouri-Kansas-Texas Lines

Dallas, Texas

August 1, 1958