

406-3

AWARD NO. 71

CASE NO. 58
Sub 2480 TE-10299
263/2-1
(68-57)

SPECIAL BOARD OF ADJUSTMENT NO. 266

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

EMPLOYEES' STATEMENT OF CLAIM:

1. Carrier violated the Agreement between the parties when on March 30, 1957, it required or permitted train service employees not covered by said Agreement to handle (receive, copy and deliver) a train order at Analomink, Pennsylvania, in the absence of an emergency.
2. Carrier shall, because of the violation set forth above, compensate the senior idle telegrapher, extra in preference, a day's pay (\$16.69) in accordance with the provisions of Article 3 (c) of the Agreement.

OPINION OF BOARD:

We are of the opinion and find that the Conductor of Extra 645A copied the subject train order as a result of an emergency situation within the meaning of Article 3 of the Agreement.

AWARD:

Claim denied.

/s/ Lloyd H. Bailer
Lloyd H. Bailer, Neutral Member

Dissenting
W. I. Christopher, Employee Member

/s/ R. A. Carroll, Carrier Member
R. A. Carroll, Carrier Member

New York, N. Y.
December 3, 1959.