

406-3

AWARD NO. 72

CASE NO. 60

Sub. 2502 TE-10340
263/2-5
(73-57)

SPECIAL BOARD OF ADJUSTMENT NO. 266

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

EMPLOYEES' STATEMENT OF CLAIM:

1. The Carrier violated the Agreement between the parties when on May 31, 1957, it required or permitted train service employees not covered by the Telegraphers' Agreement to handle (receive, copy and deliver) a train order at Paradise Crossover (Penn.) in the absence of an emergency.
2. The Carrier shall, because of the violation set forth above, compensate the senior idle telegrapher, extra in preference, a day's pay \$17.17) 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 the stalled train (Extra 621 East) 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
R. A. Carroll, Carrier Member

New York, N. Y.
December 3, 1959