

406-3

AWARD NO. 73

CASE NO. 63  
Sub 2565 TE-10383  
263/ 2-4  
(77-57)

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 April 7, 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, (Pennsylvania), 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 \$16.93) in accordance with the provisions of Article 3 (c) of the Agreement.

OPINION OF BOARD:

Our Award 72 is controlling here.

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.