

406-3

AWARD NO. 79

CASE NO. 111
263/ 2-13
(134-58)

SPECIAL BOARD OF ADJUSTMENT NO. 266

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

EMPLOYEES' STATEMENT OF CLAIM:

Claim for a day's pay for senior, idle telegrapher on February 18, 1958, when a non-schedule employe handled train order at Elmhurst in a non-emergency.

OPINION OF BOARD:

The evidence discloses that the train order in question was handled by a non-schedule employee under a storm condition that comprised an emergency as defined in Article 3 of the subject Agreement. There was no contract violation in this instance.

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.