

AWARD NO. 88  
CASE NO. 36

SPECIAL BOARD OF ADJUSTMENT NO. 266

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION  
vs.  
ERIE LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware, Lackawanna and Western Railroad that:

- (1) D. Cuccherini, occupant of Cycle Position No. 4, Home Station, Tobyhanna Tower was improperly displaced therefrom on June 19, 1956 by R. Thomas, and as a result of such displacement,
- (2) R. McCormick, regularly assigned second shift at New Milford, Pa., was improperly displaced by D. Cuccherini on June 27, 1956, causing McCormick to revert to the extra board.
- (3) Carrier shall, in consequence of such improper displacements, pay:
  - (a) D. Cuccherini for time lost on June 19, 20, 21, 24, 25 and 26,  
(6) days at \$16.521 per day, total..... \$99.072

For working at New Milford, June 27 and 28, 1956:

June 27: Miles round-trip 136 miles at 7¢ per mile.... \$9.52

2 hours each way, 4 hours travel time at  
\$2.04 per hour..... 8.16

June 28: Miles round-trip 136 miles at 7¢ per mile.... 9.52

2 hours each way, 4 hours travel time at  
\$2.04 per hour..... 8.16

Grand Total..... \$35.36  
\$134.43

- (b) D. McCormick, June 27 at Stroudsburg Tower, Rate \$2.082

New Milford to Stroudsburg 92 miles one way,  
round-trip 184 miles at 7¢ per mile..... \$12.88

Less amount paid 50 miles at 7¢ per mile..... 3.50  
\$ 9.38

Travel time 2 hours and 30 minutes or 5 hours  
round-trip at \$2.082 per hr..... \$10.41

Less 1 hour and 30 minutes paid..... 4.30  
\$ 6.11

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June 28: 184 miles at 7¢ per mile.....	\$12.88	
Travel time 5 hours at \$2.082 per hr.....	<u>10.41</u>	\$23.29
June 29: D. McCormick at Stroudsburg Tower, rate \$2.082		
New Milford to Stroudsburg 92 miles one way, round-trip 184 miles at 7¢ per mile.....	\$12.88	
Less amount paid 50 miles at 7¢ per mile.....	<u>3.50</u>	\$ 9.38
Travel time 2 hours and 30 minutes or 5 hours round-trip at \$2.082 per hr.....	\$10.41	
Less 1 hour and 30 minutes paid.....	<u>4.30</u>	\$ 6.11
Grand Total.....		<u>\$54.27</u>

OPINION OF BOARD:

In view of the unusual circumstances here involved, we are of the opinion that the claim should be sustained in behalf of Claimant Cuccherini in the amount of three days' pay at the rate of \$16.521 per day. The claim should be denied with respect to Claimant McCormick, who lost no time.

AWARD:

Claim sustained in part and denied in part as indicated in above Opinion of Board.

Lloyd H. Bailer  
Lloyd H. Bailer, Neutral Member

R. J. Woodman  
R. J. Woodman, Employee Member

R. A. Carroll  
R. A. Carroll, Carrier Member

New York, New York

Date: October 9, 1966

