

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 Co., that:

1. "The Carrier violated the agreement between the parties when beginning on May 1, 1938, it abolished three (3) telegraphers' positions at Elmira Yard Office, New York, without, in fact, abolishing the work, instead, transferring same to crew callers; and
2. "As a consequence of the violation, Carrier be required to pay
 - (a) Each of the three (3) senior idle extra employees a day's pay for each day of the violation commencing May 1, 1938, continuing through April 30, 1945; and
 - (b) Each of the three (3) senior idle employees (extra preferred) a day's pay for each day of the violation commencing March 1, 1945, and thereafter as long as the violation continues.
3. "The identity of the individuals entitled to receive payment to be determined by a joint check of the Carrier's records."

OPINION OF BOARD:

Due to the long period of time this claim has been involved in court proceedings; the delay by the parties in their efforts to settle the claim following the U. S. Supreme Court decision; and the further fact that the Delaware, Lackawanna & Western Railroad merged with the Erie Railroad during this time, thereby bringing about a complete change in operation at Elmira and eliminating all the conditions involved in the claim; the Board is left at this late date with no alternative but to dismiss the claim.

AWARD:

Claim dismissed.

Lloyd H. Bailer
Lloyd H. Bailer, Neutral Member

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

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