



AWARD NO. 38
DOCKET NO. 38
CASE NO. 2679

SPECIAL BOARD OF ADJUSTMENT NO. 305

THE ORDER OF RAILROAD TELEGRAPHERS
vs.
MISSOURI PACIFIC RAILROAD COMPANY
(Southern & Western Districts)

STATEMENT OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Missouri Pacific, that:

CASE NO. 1

1. Carrier violated Agreement when on June 8, 1957, it required or permitted Brakeman J. D. Smith on Extra SSW 923 North to receive and copy Train Order No. 504 at 'BB' Junction.
2. Carrier shall compensate R. D. Stahlheber, senior idle extra telegrapher, for one day's pay (8 hours) for June 8, 1957.

CASE NO. 2

1. Carrier violated Agreement when on December 2, 1957 it required or permitted Conductor Brown in charge of Engine 4364 to receive and copy Train Order No. 32 at Cairo, Illinois.
2. Carrier shall compensate J. L. Mainer, senior idle extra telegrapher for one day's pay (8 hours) for December 2, 1957.

CASE NO. 3

1. Carrier violated Agreement when on January 15, 1958, it required or permitted Conductor Dunn in charge of Engine 4355 to receive and copy Train Order No. 14 at Welge, Illinois.
2. Carrier shall compensate M. C. Abercrombie, senior idle extra telegrapher for one day's pay (8 hours) for January 15, 1958."

OPINION OF BOARD:

Claim here is made in three segments, on behalf of three named employees, for pay for one day (8 hours), based upon the allegation in each instance that employees, other than telegraphers, were required or permitted by Carrier to receive and copy train orders on specific dates, at named locations, where no telegraphers are employed.

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Many cases determined by Special Board No. 117, on this property, have been cited by the parties to support their contentions. We are in full accord with the Opinions as set out in Awards Nos. 18 to 22, inclusive, and being similar in all respects to the facts and circumstances before us here, we must concur in the principles as determined in the Findings and Awards as being applicable to the docket before us. We do not believe it necessary to cite awards of the Third Division, National Railroad Adjustment Board, in view of awards made by the Special Board on this property.

Awards No. 14 and 17, Special Board No. 117, as relied upon by the Organization, have no applicability to the facts and circumstances here before us.

From a thorough review of the record before us, and the awards cited by the parties, the claims do not support a sustaining award.

FINDINGS: Carrier did not violate the Agreement, nor do the rules relied upon by the Employees support the claims as alleged.

AWARD

Claims denied as per Opinion and Findings.

SPECIAL BOARD OF ADJUSTMENT NO. 305

/s/ Donald F. McMahon
Donald F. McMahon - Chairman

Dissenting
R. K. Anthis - Organization Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
June 3, 1960

Files 380-1812
380-1840
380-1848