

Award No. 23
Case No. 23

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT
OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on The New York, New Haven and Hartford Railroad Company that:

1. Carrier violated the provisions of the Telegraphers' Agreement when it required or permitted the Yardmaster at Brayton Avenue, an employe outside the coverage of the Agreement, to perform communication service on February 20 and 25, 1959.

2. Telegrapher J. J. Walsh, senior extra employe on the seniority district involved, shall be paid one day's pay (8 hours) at the appropriate rate, February 20 and 25, 1959 for work denied. In the event that Mr. Walsh shall be found to have been unavailable on either or both dates the claim shall be payable to the senior available extra employe."

FINDINGS:

On February 20, 1959 the yardmaster at Brayton Avenue yard office reported by telephone to the dispatcher at Boston that train BO-3 had a broken air hose on car PFE 63600 at Hebronville and made a change there. On February 25, 1959 that yardmaster reported by telephone to the dispatcher that car NH 34044 was set out of train BO-3 with a hot box.

While these communications are after the fact reports of reasons for train delays, there is no evidence that such delays were otherwise reported to the dispatcher. Train delay reports are communications of record and, in the absence of any evidence of a contrary practice, must be deemed to be exclusively telegraphers work under the various awards of the Third Division, N.R.A.B.

AWARD:

Claim sustained.

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/s/ Dudley E. Whiting

DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman

RUSSELL J. WOODMAN, Employe Member

/s/ J. J. Duffy

J. J. DUFFY, Carrier Member

DATED: June 13, 1961.