



CASE NO. 6
ORT FILE: 1933

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 & Hartford Railroad, that:

1. The Carrier violated and continues to violate the terms of the agreement between the parties when it permitted and/or required and continues to permit and/or requires, employes not subject to said agreement, by use of the telephone, to report (OS) trains, obtain permission for trains to occupy and use main tracks, within designated block limit territories, report the time that trains clear such block limit territories, and copy train orders at Plainfield, Connecticut, at a time when the agent-operator is available, but not on duty.

2. In consequence of these violations at Plainfield, Connecticut, the Carrier shall compensate the incumbent of the agent-operator position at that location in accordance with the 'call' or overtime rules, (Articles 6 and 7, prevailing agreement), each day, commencing June 21, 1954 that he was not used."

FINDINGS:

Final denial of this claim by the Carrier is dated February 15, 1955. Notice of intention to appeal the claim to the Third Division, N.R.A.B., is dated December 22, 1955. Hence the appeal was not within the time limited by Article V, Section 1 (c) of the Agreement of August 21, 1954 and the claim is barred thereby.

AWARD:

Claim denied.

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/s/ Dudley E. Whiting

DUDLEY E. WHITING, REFEREE

/s/ Russell J. Woodman

RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Gaherin

J. J. GAHERIN, Carrier Member

DATED: October 7, 1960