

Award No. 115
Case No. None
(BU 4888-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties: THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 115

STATEMENT

- OF CLAIM: 1. Carrier violated the Agreement between the parties when on June 5, 6, 7, 8, 1958, and subsequent dates, it required or permitted persons not coming within the scope of said Agreement to transmit, by use of printing telegraph machines, at Cowen, West Virginia, information not confined to reports of the movements of cars.
2. Carrier shall be required to compensate in the amount of a day's pay (eight hours), W. L. Sirk on June 5, 1958, C. W. Shorter on June 6, 1958, W. T. Shreve on June 7, 1958, O. R. Riffle on June 8, 1958, and an idle operator on the seniority district on each subsequent date violations occur.

FINDINGS:

An analysis of the several items included in the Joint Statement of Facts, in the light of our prior actions, leads us to conclude that the two messages of June 6 were, as Carrier asserts, information pertaining to the data included in the permissible wheel report; the message of June 5 was a violation for including a call, and the message of June 7 and 8 were consists, and these latter two categories will be sustained.

In the absence of factual data, we cannot agree to carte blanche on subsequent violations.

A W A R D

Claims disposed of in accordance with Findings.

/s/ Edward A. Lynch
Edward A. Lynch
Chairman

/s/ R. K. Anthis
R. K. Anthis
Employee Member

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland,
this 16th day of April, 1963.