

SPECIAL BOARD OF ADJUSTMENT NO. 355

AWARD NO. 124  
CASE NO. None  
BU-6838-39/33

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

AWARD IN DOCKET NO. 124

STATEMENT  
OF CLAIM:

1. Carrier violated the agreement between the parties when on April 24 and November 27, 1959, it required or permitted the yardmaster of another carrier to use the telephone to handle messages.
2. Carrier shall be required to compensate in the amount of a day's pay (8 hours) Operator K. J. Willis on April 24, 1959 and a call for Operator W. T. Shreve on November 27, 1959.

FINDINGS:

In our Award in Docket No. 64 we found that the locale of that claim was the Illinois Central Union Station at Louisville, Kentucky - and that it, thus, "was not on or near the property of this Carrier." A denial award was made.

In the instant case, the locale of the claim is the Western Maryland Railroad's Yardmaster office at Chiefton, West Virginia. While not on B and O property it is close to it. Organization asserts without contradiction that it is close to the junction of the two (Western Maryland and B and O) tracks.

A B and O operator is stationed at Chiefton; there was none at the Illinois Central Station in Louisville.

The calls in the instant case were made by the Western Maryland Yardmaster and they concerned the operation of Western Maryland trains by Western Maryland crews over the B&O tracks. These trains, however, must operate in accordance with B and O operating rules under authority of B and O train orders. Unlike Docket No. 64, this is a regular arrangement between the two Carriers.

In Docket No. 64 we were concerned with a B and O troop train operated by a B and O crew.

The instant claim is, thus, distinguished from that in Docket No. 64, and a sustaining order is required. In so holding, we note that the Organization has changed its claim for the November 27, 1959 violation to a call.

Claim sustained 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  
31st day of May 1963.