

AWARD 128  
CASE None  
(BU-6782-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 128

STATEMENT  
OF CLAIM:

1. Carrier violated the agreement between the parties when it required or permitted employees not covered by said agreement to copy lineups and exchange other communications with the train dispatcher at Tunnel No. 7 on the Monongah Division on November 29; 30, December 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29 and 30, 1959.
2. Carrier shall be required to compensate three idle operators in the amount of a day's pay each (8 hours) on each of the dates set forth above.

FINDINGS:

A careful review of the parties' contention leads to the inescapable conclusion that the use of the telephone and pushbutton signal here was for the sole purpose of protecting the workmen and the equipment they were using in widening the tunnel in question. We find no violation.

A W A R D

Claim denied.

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

Dissenting  
R. K. Anthis /s/  
Employee Member

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

Dates at Baltimore, Maryland  
this 31st day of May, 1963.

June 13, 1963