

AWARD 134
CASE None
(BU-7939-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 134

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties when on May 7, 1959, at Furman, Illinois, it required or permitted employees not covered by said agreement to handle train orders.
2. Carrier shall be required to compensate Extra Operator D. C. Neff in the amount of a day's pay (8 hours) on May 7, 1959.

FINDINGS:

The Organization is here relying on the fact that the train order in question was addressed (by the operator) to "C & E (Conductor and engineer) Extra 4622 West."

The facts are "4622 West" was a helper engine that assisted train No. 98 on its eastward run from Cone Yard to Furman. When it separated from Train 98 to return it had no conductor. The only man on board was its engineer, who was aboard when it was a part of Train 98.

When the train orders were delivered at HN Cabin, the engineer of "4622 West" -- then a helper on eastbound No. 98 -- properly received train orders authorizing this helper engine on its eastbound run and his return from Furman, and providing that a following train would wait at HN Cabin until 5:45 p.m. There was a definite identity of relationship; he was a definite part of 98's crew when the orders were delivered.

A W A R D

Claim denied.

/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

June 13, 1963