

SPECIAL BOARD OF ADJUSTMENT NO. 355

Award No. 139

Case No. None

(BU 7997-33)

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 139

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on August 23 and on August 25, 1960, it required or permitted an employee not covered by said Agreement to transmit a message by use of telephone at Colfax, West Virginia.
2. Carrier shall be required to compensate Operator P. E. Shorter in the amount of a day's pay (eight hours) on August 23, 1960, and Operator Paul Dowell in the amount of a day's pay (eight hours) on August 25, 1960.

FINDINGS:

The information involved in the protested telephone conversations here was a report of the progress of work (maintenance of way progress report). It was telephoned by the Track Foreman at Colfax to the Operator at CY Tower, for subsequent transmission to Baltimore.

It is asserted in behalf of the Carrier that there is no time urgency involved; it could just as well have been mailed.

The track foreman did call the nearest open telegraph office.

This is the type of claim we had before us in Docket No. 71. The facts here require a similar disposition.

A W A R D

Claims denied.

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

Dissenting
R. K. Anthis
Employee Member

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

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