

SPECIAL BOARD OF ADJUSTMENT NO. 355

AWARD NO. 140

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

CASE NO. None
(BU 7998 & 8002-33)

AWARD IN DOCKET NO. 140

STATEMENT
OF CLAIM:

1. (a) Carrier violated the Agreement between the parties when it required or permitted an employe or official, not covered by said Agreement, to transmit a message at Tunnel No. 7, West Virginia on November 25, 1959.

(b) Carrier shall be required to compensate Operator Paul Dowell in the amount of a day's pay (eight hours) on November 25, 1959.
2. (a) Carrier violated the Agreement between the parties when it required or permitted an employee or official, not covered by said Agreement, to transmit a message from Tunnel No. 11, West Virginia on March 11, 1960.

(b) Carrier shall be required to compensate Operator W. H. Davis in the amount of a day's pay (eight hours) on March 11, 1960.

FINDINGS:

The facts in this claim and the type of conversation involved are similar to those in Docket No. 139.

For the reasons therein cited, a denial award is required here.

A W A R D

Claim 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.