

CASE NO. 70
AWARD NO. 15
ORT FILE BU-5768-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on February 6, 1957, it required or permitted Conductor Crye on Extra 966 East to receive and copy train order No. 241 at Lansdowne, Maryland.

2. Carrier shall compensate the senior idle operator, on that date, in the amount of a day's pay (8 hours).

FINDINGS:

In our Award in Docket No. 1, we held that Martin -- the location at which the alleged violation occurred -- was a part of the auxiliary tracks serving, and under the control of the operator at Shoals.

In the claim before us here, the location at which the alleged violation occurred is a point at which no operator position existed since September 24, 1955 and is within the control of the operator at HX tower. We hold it to be within the station limits of HX Tower, so far as revised Article 35 is concerned.

AWARD

Claim denied.

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

/s/ B. N. Kinkead
B. N. Kinkead,
Employee Member
Dissenting

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

Dated at Baltimore, Maryland this 31st day of August, 1961.