

CASE NO. 72
AWARD NO. 17
ORT FILE BU-5770-33

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 January 18, 1957 it required or permitted the Engineer on train No. 10 to communicate direct with the train dispatcher and copy a Form A.

2. Carrier shall compensate Operator C. R. Kreiger in the amount of one day's pay (8 hours) on January 18, 1957.

FINDINGS:

Carrier's defense here that the phone call made by the engineer directly to the dispatcher was made necessary "because of the failure of the operator at 'WC' office to complete the form A properly" -- does not relieve it of its responsibility.

This claim will be sustained.

AWARD

Claim sustained.

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

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

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

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