

CASE NO. 76
AWARD NO. 19
ORT FILE BU#5774-33

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 it required or permitted an engineer to receive and copy train order No. 127 and Form A at Nebo, Indiana, on July 4, 1957.

2. Carrier shall compensate an idle operator in the amount of a day's pay (8 hours) on July 4, 1957.

FINDINGS:

It is evident from the record that Nebo, Indiana, is within the station limits of XN (Dearborn) Tower so far as the application of Article 35 is concerned.

Nebo is a passing siding, the east switch of which is .7 mile west of XN Tower. No operator was ever employed at Nebo.

Claim will be denied.

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.