

CASE NO. 98
AWARD NO. 26
ORT FILE BU.5796-33 ~

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 26

STATEMENT OF CLAIM:

1. Carrier violated the Agreement between the parties when on January 17, 1959 it required or permitted a train service employe to receive and copy train order No. 782 at Triadelphia, W. Va.
2. Carrier shall compensate an idle operator in the amount of a day's pay (8 hours) on this date.

FINDINGS:

The train in question handled a total of 43 loaded and 14 empty cars, setting off and picking up at 4 points.

We think this constitutes "switching," and inasmuch as this was revenue service, this claim will be denied under Article 35.

AWARD

Claim denied.

/s/ Edward A. Lynch
Edward A. Lynch

/s/ B. N. Kinhead
B. N. Kinhead
Employee Member
(Dissenting)

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

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