

CASE NO. 111
AWARD NO. 28
ORT FILE BU-5809-33

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 May 5, 1959 it required or permitted a conductor to receive and copy a train order at Upshur, West Virginia.

2. Carrier shall compensate Operator D. E. Hunter in the amount of a day's pay (8 hours) on this date.

FINDINGS:

In our Award in Docket No. 1 we held that the siding at Martin, Indiana was within the station limits of Shoals despite the intervening White River.

Carrier states that Upshur is a 94 car passing siding located 3.4 miles west of the Buckhannon Station; that it was built in 1946 "as near the center of the facilities at Buckhannon as was allowable by the location of the city and the Buckhannon river. There has never been a telegraph office at Upshur."

We, therefore, will hold that Upshur is within the station limits of Buckhannon within the meaning and intent of Article 35.

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.