

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD NO. 33/1
CASE NO. 33
ORT FILE: 2940

AWARD IN DOCKET NO. 33/1

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on September 4, 5, 9, 10, 12, 13, 16, 17, 18, 24, 25, 26, 27 and 30, 1957, and subsequent dates when it caused, required and permitted Track Foremen, employees not covered by the Telegraphers' Agreement, to copy, receive and deliver track car line ups (Forms 1089-D) for their track cars at Mile Post 151 plus 14 poles, and Mile Posts 152 and 154 on the Parkersburg Sub-Division of the Ohio Division of The Baltimore and Ohio Railroad.
2. Carrier be required to compensate an idle operator pay for one day (8 hours) on all dates on which track car line ups (Forms 1089-D) were copied at Mile Post 154 on said Ohio Division on its Parkersburg Sub-Division, on September 5, 9, 24, 25, 26, 27 and 30, 1957, and all subsequent dates of record when track car line ups were copied at said Mile Post 154 by employees not covered by the Telegraphers' Agreement.

FINDINGS:

The call made subject of this claim was made from Mile Post 154, which locates at Luhrig, Ohio (it is 438 feet east thereof) a point at which no operator position has existed for over 40 years. The claim for this reason should be denied.

A W A R D

Claim denied.

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

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

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

Dated at Baltimore, Md.,
this 20th day of February, 1962.