

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS  
THE BALTIMORE AND OHIO RAILROAD COMPANY

Award No. 43  
Case No. 46  
O.R.T. No. 2964

AWARD IN DOCKET NO. 43

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties hereto when on February 14, 1958, it caused, required and permitted Car Inspector Clendenin, an employee not covered by the Telegraphers' Agreement, to transmit directly over the telephone at West Middletown, Ohio, to the train dispatcher at Dayton, Ohio, a message reporting that B&O 825051, a hopper load, repaired hot box, was ready to be moved and that the train dispatcher could give the switch run south a message that it had been repaired and could be moved to Hamilton for repairs.
2. Carrier be required to compensate an idle operator pay for one day (8 hours) because of said violation at West Middletown on February 14, 1958.

FINDINGS:

We fail to see how information that B&O hopper 825051, which had been withdrawn from service because of a hot box, was repaired and ready to be moved by the Switch Run South, would not be made a matter of record by the Carrier.

We believe such information constitutes a "message" and the claim will be sustained.

A W A R D

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 20th day of February, 1962.