

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

Award No. 44
Case No. 85
BU-5783-33

AWARD IN DOCKET NO. 44

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on August 27, 1958, it required or permitted an employe not covered by the Agreement to transmit a train consist direct to the train dispatcher at Parkersburg, West Virginia (Yard Office).
2. Carrier shall compensate an idle operator in the amount of one day's pay (8 hours) on August 27, 1958.

FINDINGS:

Here, the consist was sent by the Yard Clerk directly to the train dispatcher. A train consist is a "message of record." This Carrier so recognized in allowing a claim for a similar occurrence April 25, 1957, which claim was originally a part of the Organization's claim designated here as Docket No. 34.

The claim here 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.