

SPECIAL BOARD OF ADJUSTMENT NO. 355

AWARD NO. 60

CASE NO. 16

ORT FILE 2596

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

AWARD IN DOCKET NO. 60

STATEMENT OF CLAIM:

1. Carrier violated the Agreement between the parties hereto when on December 17, 1956, it caused, permitted and required a train service employe not covered by the Telegraphers' Agreement to communicate directly with the Train Dispatcher at Dayton, Ohio, over the telephone located at Wapakoneta, Ohio, and secure lineups on trains; report his train in the clear; and give the Train Dispatcher pertinent information concerning his work; the movement of his train; and other matters.
2. Carrier shall compensate an idle telegrapher, extra in preference, for pay for one day (8 hours) on December 17, 1956.

FINDINGS:

The Carrier is here asserting the Organization has not met the timely filing requirements of the August 21, 1954 Agreement.

The Organization offers the argument that the decision of the Manager, Labor Relations was fifteen days overdue.

In respect to the latter assertion, Article 5, paragraph (g)1(c) provides that the 60 days allowed the Manager, Labor Relations for decision will run from the date of conference. Accordingly, the Manager, Labor Relations did hand down his decision within the allotted time.

The Organization, however, failed to meet its burden of instituting proceedings before the Third Division of the National Railroad Adjustment Board within 9 months from the date of the decision of the Manager, Labor Relations as required by the same article. The claim must, therefore, be dismissed.

A W A R D

Claim dismissed.

/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.