

AWARD NO. 63  
CASE NO. 38  
ORT NO. 2956

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 63

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties hereto when on April 22, 1957 and April 29, 1957, it caused, required and permitted the conductor on Train No. 79 to communicate directly with the train dispatcher over the telephone from Sidney, Ohio and Vandalia, Ohio, and give and receive information of record over the telephone in violation of Article 1, 31 and 35 of the Telegraphers' Agreement, said work being reserved exclusively to employees covered by said Agreement.
2. Carrier be required to compensate an idle operator, extra in preference, pay for one day on each of said dates listed above because of said violations.

FINDINGS:

It appears abundantly clear that SBA No. 132, in its award in its Docket No. 59, held

"that the parties have recognized that it is not a violation of the 'Scope' rule of the Telegraphers' Agreement in CTC territory for train crews to communicate with the dispatcher for the purpose of obtaining permission to come out on main track and reporting by. So long as the train crews neither block trains nor copy or handle train orders in communication with the dispatcher we find no violation of the Agreement."

In this case, the Organization offers the argument that Award 59 of SBA No. 132 was predicated on old Article 31; that it was revised and appears now as Article 36, which Article 36 amends the scope rule--hence, Organization's interpretation of the "no communication with the dispatcher" obtains and, in its view, Award 59 is overturned.

We have previously treated with the "no communication with the dispatcher" phase of the argument in our Award in Docket No. 34.

A careful analysis of Organization's entire argument leads us to conclude that Article 36 did not affect the basic ruling upon which SBA No. 132 predicated its findings in Award No. 59.

The claim here, based on an occurrence in CTC territory, will, therefore, be denied.

AWARD  
Claim denied.

/s/ B. N. Kinkead  
Employee Member Dissenting

/s/ Edward A. Lynch  
Chairman

/s/ T. S. Woods  
Carrier Member

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