

Award No. 65
Case No. 86
(BU-5784-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 65

STATEMENT OF
CLAIM:

1. Carrier violated the Agreement between the parties when on November 13, 1958, it required or permitted an employee not covered by the Agreement to use the telephone at Walkersville, West Virginia, and transmit a message to the train dispatcher.
2. Carrier shall compensate W. R. McTheny in the amount of one call payment on this date.

FINDINGS:

The type of conversation involved in this claim -- use of the telephone after the Agent's tour of duty to advise the Dispatcher that Erie Mine Run track, which had been opened for repairs, was back in service -- is a past practice which is specifically sanctioned by the second paragraph, Interpretation to Article 34.

A W A R D

Claim denied.

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

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

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

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