

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD NO. 70
Case No.115-BU 5813-33
Case No.116-BU 5814-33
Case No.117-BU 5815-33

AWARD IN DOCKET NO. 70

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on May 14, 18 and 19, 1959, it required or permitted employees not covered by the Agreement to transmit or receive messages at Whitcomb Yard, Indiana, by use of telephone.
2. Carrier shall compensate in the amount of a day's pay (8 hours) each, Operator R. L. West on May 14; J. W. Pyle on May 18; G. M. Miller on May 19, 1959.

FINDINGS:

We have examined the record supporting this claim. We believe the action of the Division Freight Agent at Indianapolis in phoning the Yardmaster or Yard-clerk at Whitcomb Yard to secure for a customer information on two cars of freight originating at Seymour, Indiana was, in no sense, a violation of the Agreement. The information secured was for the sole benefit of the shipper and the act did not invade any area where telegraphers hold rights to the exclusion of all other crafts or classes.

A W A R D

Claim denied.

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

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

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

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