

CASE NO. 61  
AWARD NO. 73  
ORT FILE BU 5888-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 73

STATEMENT  
OF CLAIM:

1. Carrier violates the Agreement when it fails and refuses to classify the agent at Johnstown, Pennsylvania in accordance with service performed.
2. Carrier shall be required to properly classify the position of agent at Johnstown, Pennsylvania, bulletin and assign the position in accordance with the rules.

FINDINGS:

With respect to the merits of the claim in this docket, it concerns an individual, H. C. Diehl by name, who, the Organization conceded, in Docket No. 72, was a Yardmaster at Johnstown.

He is in fact a Supervisory Agent-Yardmaster. He holds a position not coming under any Agreement.

There is also located at Johnstown an operator's position from 6:00 a.m., to 3:00 p.m., daily. Organization predicated its complaint here on the use by the Supervisory Agent-Yardmaster of a telephone outside the operator's tour of duty to discuss matters for which he is responsible with the Yardmaster at Somerset.

Under the circumstances here present, the Supervisory Agent was not "performing service in the classes specified" in the telegraphers' agreement.

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.