

Case No. 91  
Award No. 77  
ORT File BU-5789-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

STATEMENT  
OF CLAIM:

1. Carrier violated the Agreement between the parties when on January 6, 1959, it required or permitted a Track Foreman to receive a message at or near Norris City, Illinois.
2. Carrier shall compensate Operator D. L. Lippert in the amount of a day's pay (8 hours) on January 6, 1959.

FINDINGS:

In its argument before the Board in defense of the claim here, Carrier asserts:

"In the instant case the message involved was handled by the operators at Vincennes and Ridgeway, and the only other employee using the telephone in connection with its transmission was the one to whom it was addressed, and all he did was to receive it. Certainly it cannot be said that he 'handled' the message within the meaning of that term, as used in Article 35, and most certainly he did not displace an operator in receiving the message at a point where there had never been one."

We agree.

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.