

Case No. 83  
Award No. 79  
File BU-5781-33

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 July 12, 1958, it required or permitted a trainmaster, not covered by the Agreement, to use the telephone at or near Miller, West Virginia, to issue instructions and receive information concerning the movement of trains.
2. Carrier shall compensate an idle operator in the amount of one day's pay (eight hours) on July 12, 1958.

FINDINGS:

Article 35 provides that "use of the telephone x x x by other (than telegrapher) employees (in such emergencies as interruption or suspension of service by reason of wrecks xxx) may only be continued until an employee covered by this Agreement can be made available."

In the case before us, Carrier not only failed to make an operator available; it made no attempt to secure one.

A sustaining award is in order.

A W A R D

Claim sustained.

/s/ Edward A. Lynch  
Edward A. Lynch

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

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

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