

CASE NO. 75
AWARD NO. 83
ORT FILE BU 5773-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 83

STATEMENT
OF CLAIM:

1. Carrier violated the Agreement between the parties when on May 4, 1957 it required or permitted an employee not covered by the Agreement to copy a train order at Lebanon, Illinois.
2. Carrier shall compensate R. C. Cox, agent-operator, Lebanon, in the amount of a minimum call payment.

FINDINGS:

Article 35, among other things, permits employees other than telegraphers to use the telephone in an emergency, caused by the forces of nature, interrupting or suspending service.

It says such use of the phone

"may only be continued until an employee covered by this agreement can be made available."

In the instant case, the telephone was used only once. There was no "continued" use of the phone; and there being no charge of a continuing use of the phone, there can be no violation.

A W A R D

Claim denied.

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

/s/ B. N. Kinead
B. N. Kinead
Employee Member

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

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