

CASE NO. 47
AWARD NO. 90
FILE BU-5874-33

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 90

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties when it failed and refused to pay Operator J. L. Phillips, regularly assigned to the third trick position at Hardman, W. Va., for December 31, 1956 when he was ready for service and not used.
2. Carrier shall compensate Operator J. L. Phillips in the amount of one day's pay for December 31, 1956.

FINDINGS:

Several facts distinguish this claim from that decided by our decision in Docket No. 89:

1. Here claimant was already at his place of work and "ready for service."
2. He was relieved of his operator assignment at Hardman Tower 50 minutes before the starting time of his shift and directed to work the first-trick train dispatcher position at Cumberland the following day. Unlike Docket No. 89, this was solely for the convenience of the Carrier.

Accordingly, a sustaining Award is in order here.

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.