

CASE NO. 45
AWARD NO. 91
ORT FILE 2963

SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 91

STATEMENT
OF CLAIM:

1. Carrier violated the provisions of the agreement between the parties hereto when it failed and refused to compensate Operator W. A. Knight for pay for one day at pro rata rate for August 6, 1958, because of not being used on his regular turn on second trick HN, Cabin, Illinois.
2. Carrier be required to pay Operator W. A. Knight pay for one day for eight hours for August 6, 1958.

FINDINGS:

Under the circumstances here obtaining, this claimant was prevented from taking his regular assignment at 2 p.m., August 6, by the Hours of Service law. He would then have only had six hours' rest after his last previous service, which was filling a vacancy other than his own on the third trick at KN office, for which no other qualified operator was available.

Claimant is here seeking payment of a full shift for such assignment under Article 22½ on the basis he was "ready for service."

He was not then "ready for service" because he did not have the required eight hours' rest.

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.