

AWARD NO. 40
CASE NO. 40
BU-9756-8

SPECIAL BOARD OF ADJUSTMENT NO. 421

THE ORDER OF RAILROAD TELEGRAPHERS)

VS.)

NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT)
(Except Boston and Albany Division) and)
NEW YORK DISTRICT)

STATEMENT OF CLAIM:

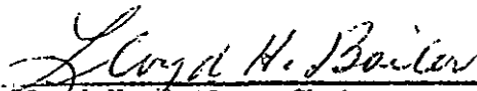
1. Carrier violated the Telegraphers' Agreement on January 1, 1963, 7:00 A.M., at "YD" Corning, N.Y., when it failed to use regular first trick operator L. E. Albee to cover the first trick at "YD" on New Year's Holiday, instead Carrier used train service employee to perform operator's duties.
2. Carrier shall now compensate regular first trick operator at "YD", L. E. Albee for 8 hours at time and half, at "YD" rate, for New Year's.


OPINION OF BOARD:

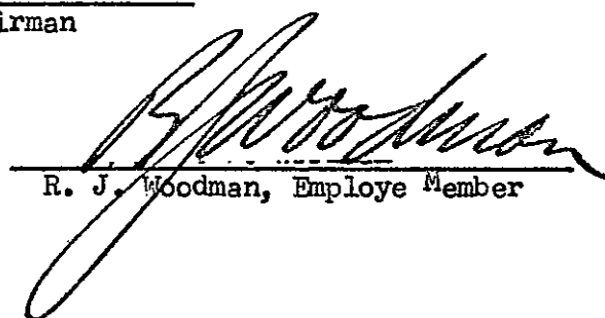
The evidence presented is not sufficient to warrant a sustaining award. The claim will be denied.

AWARD:

Claim denied.


Lloyd H. Bailer, Chairman


L. Faulds, Carrier Member


R. J. Woodman, Employee Member

Dated: September 29, 1964