

Award No. 3  
Case No. 3  
ORT No. 2728  
Div. 49 No. R-1053

SPECIAL BOARD OF ADJUSTMENT NO. 525

THE ORDER OF RAILROAD TELEGRAPHERS

vs.

THE DENVER AND RIO GRANDE WESTERN RAILROAD

STATEMENT OF CLAIM:

Claim of the General Committee of The Order of Railroad Telegraphers on the Denver and Rio Grande Western Railroad, that:

1. Carrier violated and continues to violate the Agreement between the parties when on November 12, 1957, it declared the position of Telegrapher-Clerk at Burnham (Denver), Colorado, abolished and assigned the work of the position to employees not covered by the Agreement;
2. Carrier shall be required to restore the work to the scope of the Agreement. Telegrapher C. F. Donohugh, incumbent of the improperly abolished position, and other employees improperly displaced, shall be returned to their respective positions, compensated on the basis of a day's pay in addition to other compensation received, for each day suspended from their regular assignments; and reimbursed for expenses incurred beginning on November 12, 1957, and continuing thereafter until the violation is corrected.

FINDINGS:

This Board, upon the whole record and all of the evidence, finds that:

The Carrier and the Employee and Employees involved in all of the disputes involved in this docket of cases are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934, and as since amended.

This Board has jurisdiction over the disputes involved herein. The parties to said disputes were given due notice of hearing thereon.

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SPECIFIC FINDINGS:

Award No. 16, Special Board of Adjustment No. 186, cited by the Organization is not in point. Transmittor distributor rather than reperforators are involved. Former, unlike latter, is not the exclusive tool of the telegraphic craft under the Scope Rule.

Insufficient evidence is present to substantiate claim that messages were sent on a through circuit as contended.

AWARD

Claims denied.

SPECIAL BOARD OF ADJUSTMENT No. 525

/s/ J. Glenn Donaldson  
J. Glenn Donaldson, Neutral Member  
Chairman

/s/ R. K. Anthis  
R. K. Anthis, Organization Member

/s/ J. W. Lovett  
J. W. Lovett, Carrier Member