

PUBLIC LAW BOARD NO. 1457

Award No. 54
Docket No. 110
Case No. 5446
UTU No. 5446/1379

PARTIES TO DISPUTE:

BALTIMORE & OHIO RAILROAD COMPANY

and

UNITED TRANSPORTATION UNION

STATEMENT OF CLAIM:

"Claim of Conductor W.A. Blassey, Jr., for one hour crossing over at Callery, PA, to pick up dead engine with flags out in both directions."

FINDINGS:

On July 7, 1964, Claimant held turn in the Connellsville-New Castle through freight pool that protects service between Connellsville and New Castle with home terminal at Connellsville. On that day, Claimant was called in the pool at New Castle for 6:00 a.m. for a local freight turn, New Castle junction to Connellsville via the P. and W. (main line.) Claimant's crew on that date had instructions to cross-over at Callery, PA and secure engine unit number 9208 for movement to Glenwood, Pennsylvania. When Claimant and his crew reached Callery on the main track, it was operating in automatic block system territory. The State of Pennsylvania does not require flag protection to the rear when operating in automatic block territory. Thus, a brakeman could have been

released to assist Claimant with whatever switching was necessary in securing the engine unit at Callery. Instead, Claimant elected to cross-over "**** with flags out in both directions ****", and secured unit 9208 prior to moving it to Glenwood. Thereafter Claimant filed a Penalty Time Claim for "**** one hour crossing over at Callery, PA, to pick up dead engine with flags out in both directions ****".

The Board finds that there is no merit to the claim submitted on behalf of the Claimant for the cross-over movement at Callery. The Organization relies on Award No. 320 of Special Board of Adjustment No. 33 which sustained the claim of a Conductor required to perform several additional duties that properly belonged to a brakeman. The Board here finds that the work performed by Claimant was minimal and did not meet the quantitative work requirements upon which Award No. 320 was based. Accordingly the claim must be denied.

AWARD

Claim Denied


 Neutral Member


 Carrier Member


 Organization Member

Date: January 14, 1983