

Award No. 1441
Docket No. 1339
2-D&RGW-MA-'51

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Frank M. Swacker when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 10, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Machinists)

THE DENVER AND RIO GRANDE WESTERN RAILROAD
COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That under the current agreement Machinist Leo Case was unjustly deprived of his service rights from December 4, 1948 to September 24, 1949, and that, accordingly, the carrier be ordered to reimburse him for all of said time lost.

EMPLOYEES' STATEMENT OF FACTS: Machinist Leo Case, hereinafter referred to as the claimant, entered the service of the carrier on June 14, 1926, at Salt Lake City, Utah, as a boilermaker helper. Later that year, he was transferred to a machinist helper and subsequently indentured as an apprentice. Upon completion of his apprenticeship, he obtained a journeyman's seniority date as of January 10, 1929.

On and prior to December 4, 1948, this claimant held an assignment in the roundhouse from 11:30 P. M. to 7:30 A. M. on the basis of six (6) days per week exclusive of Sundays.

The carrier directed the following letter to the claimant:

"Salt Lake City, November 29, 1948.

Mr. Leo Case, Machinist
c/o H. M. Nelson, Enginehouse Foreman
Salt Lake Shops:

You are hereby notified to appear as Principal in formal investigation to be held in the office of Master Mechanic, December 1st, 1948, 11:00 A. M., for your responsibility in signing Form 3574 on the morning of November 29th, which read on the work report, 'Stoker Engine keeps stopping, it is almost impossible to fire engine properly.' After engine was dispatched from Salt Lake Roundhouse it was necessary to send Engine 1528 to relieve this engine, causing a 2' 45" delay to train account stoker failure. Engine 1713 was called for 6:00 A. M.

Bring your representative, if desired.

J. P. Stephens

CC—Mr. Lloyd Walters, Local Chairman of Machinists."

5. The discipline assessed by carrier was proper and this claim should be denied.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

This Division finds no grounds for disturbing the discipline administered.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 28th day of March, 1951.