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G. M. YOUHN

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6772
Docket No. 6584
2-SLSW-MA-'74

The Second Division consisted of the regular members and in addition Referee David Dolnick when award was rendered.

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(
(St. Louis-Southwestern Railway Company

Dispute: Claim of Employees:

1. That the St. Louis Southwestern Railway Company discriminated against the Machinist Craft, particularly Machinist K. E. Galager, when on May 29, 1972, the railroad blocked a public crossing for twenty-eight (28) minutes, creating a condition that made it impossible for Galager to reach his job location prior to the starting time of his assignment and subsequently refused to pay him for a full eight hour day.
2. That Carrier should be ordered to make whole the Machinist Craft by paying Machinist Galager for the time loss resulting.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Parties to said dispute waived right of appearance at hearing thereon.

May 29, 1972, was Memorial Day, a paid contractual holiday. Claimant was scheduled to report for work on that day at 7:00 a.m. He punched in at 7:15 a.m. and worked until 3:00 P.M. He was paid for the holiday at straight time and 7.8 hours at time and one-half rate.

The record shows, uncontroverted by serious evidence, that the only way that the Claimant could reach his destination on the property was to cross Carrier's yard. He was blocked by switching engines for about 25 to 30 minutes. There is no question that his late reporting was the direct result of engines blocking the road. The fact that other employees reported on time is no proof of any deliberate act of delay by the Claimant.

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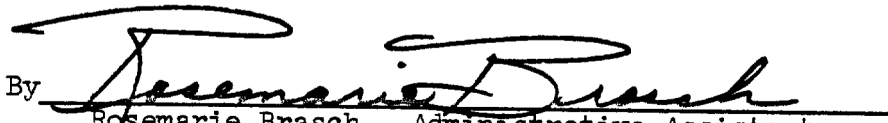
No rule need be cited to justify the merits of the claim. Absent proof that the Claimant was late because of some fault of his, the claim is valid and should be sustained. See Second Division Award No. 4698.

A W A R D

Claim sustained for two-tenths (2/10) of an hour at the applicable time and one-half rate.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 17th day of October, 1974.