

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**Second Division**

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'**  
**DEPARTMENT, A. F. OF L. (MACHINISTS)**  
**THE CHESAPEAKE AND OHIO RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES.**—Does James Peck hold seniority as machinist at Peru, Indiana, from the date employed at that point as machinist, June 1, 1908?

**JOINT STATEMENT OF FACTS.**—1. The Chesapeake and Ohio Railway Company took over the Chicago, Cincinnati and Louisville Railroad Company, July 1, 1910.

2. Peru, Indiana: Headquarters of the former C., C. & L., and the location of an engine terminal, shops and yards.

3. The line of the former C., C. & L. Railroad is now operated as the Chicago Division of the C. & O.

4. James Peck was employed as machinist at Peru, Ind., June 1, 1908, by K. L. Dresser, Master Mechanic of the C., C. & L. Railroad, and worked at Peru as machinist throughout the month of June, 1908.

5. July 1, 1908, he was sent to the small terminal of South Richmond, Ind., 99 miles south of Peru, to work temporarily as machinist, with the understanding from Master Mechanic, Mr. Dresser, that he would bring him (Peck) back to Peru. Mr. Peck worked as machinist at South Richmond until soon after October 1, 1911 (exact date not available), when he was promoted to acting general foreman. He served as foreman at South Richmond until March 20, 1912, when South Richmond was abandoned, and the terminal transferred to Boston, Ind., 7 miles south of South Richmond, and was made general foreman at Boston, March 26 or 27, 1912. He served as general foreman at Boston until March 31, 1930, when that terminal was abandoned, and returned to Peru and was assigned to position as roundhouse foreman, which position was discontinued August 31, 1930. On Sept. 22, 1930, Mr. Peck was assigned as machinist at Peru, Ind.

**POSITION OF EMPLOYEES.**—The employees contend that the transfer of James Peck from Peru, Ind., to South Richmond, Ind., cannot under any circumstances be considered as a temporary transfer, citing many reasons and arguments in substantiation of their position.

**POSITION OF CARRIER.**—The carrier contends that when James Peck was transferred from Peru, Ind., to South Richmond, Ind., it was a temporary transfer, and argues that the officer of the carrier who made the transfer stated that it was only temporary, and cites many reasons and arguments as to why their position should be maintained.

**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.

The length of time Mr. Peck spent away from Peru, Indiana, cannot be considered as temporary.

**AWARD**

James Peck does not hold seniority at Peru, Indiana, as of June 1, 1908.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of Second Division

Attest: J. L. MINDLING  
*Secretary*

Dated at Chicago, Illinois, this 27th day of April, 1936.