

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 52, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)
MIDLAND VALLEY RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES.—That Machinist L. T. Radford was improperly discharged, and should be reinstated with full seniority rights.

POSITION OF EMPLOYEES.—Mr. L. T. Radford held the position of inspector for about five and one-half years without being discharged or threatened with discharge on account of inferior work. He admits being cautioned a few times about overlooking work but thought in most cases the defects could not properly be charged to him. There is nothing unusual about this, as every railroad man knows the perfect inspector has yet to be found.

POSITION OF CARRIER.—As shown by paragraph 5 of "Carrier's Statement of Facts" and by the exhibits mentioned therein (Carrier's Exhibits C and E), Radford, while experienced in the work, had proved himself incapable of being sufficiently careful in his inspections to observe defects which, when not corrected, caused the company to be in violation of the provisions of Section 2 of the Boiler Inspection Act. The company had used every means at its command to obtain proper locomotive inspection by Radford, and by calling to his attention those failures which were detected, the company had endeavored to improve his work and to make him a better inspector, and if there is any criticism due the management in Radford's case, it should be for not acting more promptly in replacing him with a more dependable inspector. The only justification offered for this delay in acting was the hope that Radford would find some way to improve his inspections, but this hope was not realized.

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.

In view of the circumstances surrounding this case, this Division cannot sustain the position of the employes, as presented in their submission.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 4th day of May, 1936.