

Award No. 628

Docket No. 481

2-CI&L-CM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee John P. Devaney when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 32, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

CHICAGO, INDIANAPOLIS & LOUISVILLE RAILWAY

Originally a dispute, covered by our Docket No. 481, Award No. 492, was submitted by System Federation No. 32, Railway Employees' Department, A. F. of L. (Carmen) and the Chicago, Indianapolis & Louisville Railway to this Division for adjustment.

"Dispute: Claim of Employees: That Joseph Parrott be restored to service as engine carpenter at Bloomington, Indiana, and paid for all time lost at the rate of 85¢ per hour, eight (8) hours per day and five (5) days per week, from October 10, 1939, until restored to service on account of being furloughed October 10, 1939, in violation of Rules 17, 30, 26 and paragraph B, of miscellaneous rule, page 24, of current agreement and assigning other carmen to do the work formerly done by Parrott."

The following (Award No. 492) was rendered by the Division on July 31, 1940:

"AWARD

Claim remanded without prejudice."

Under date of March 13, 1941, the Division addressed the following letter jointly to Mr. B. M. Jewell, President, Railway Employees' Department, A. F. of L., and Mr. Anton Anderson, Assistant Chief Operating Officer, Chicago, Indianapolis & Louisville Railway, which is self-explanatory:

"This will acknowledge letter of February 18, 1941, from Mr. Jewell, President, Railway Employees' Department, and also letter of March 3, 1941, from Mr. Anderson, Assistant Chief Operating Officer, Chicago, Indianapolis and Louisville Railway, showing that the parties were unable to make an equitable adjustment of the disputes remanded to them under our Dockets 480, 481, 483, 484, 486, 487, 488 and 494. Therefore, the Second Division will accordingly resume consideration of the above dockets and render final awards on the original records."

Under date of March 26, 1941, the Division advised the parties that this case is deadlocked and that it will be submitted to a referee when a referee is selected. Both of the parties having requested a hearing before

the referee, the request was granted and hearing before Referee John P. Devaney was held on May 20, 1941, and on June 26, 1941 the Division, with Referee John P. Devaney sitting as a member thereof, rendered the following findings and award:

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.

Reduction of Jones and Parrott was premature when made on October 11, 1939. After Jones was restored on August 28, 1940, with compensation, work performed by others has not been substantial. After January, 1940, work for a second engine carpenter practically ceased to exist. Consequently if Parrott is awarded compensation from October 11, 1939, to January 31, 1940, less any sums earned during this period, he will be adequately compensated.

AWARD

Compensation allowed as set forth in the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 26th day of June, 1941.