

Award No. 1755
Docket No. 1712
2-PRR-URRWA(CIO)-'54

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

UNITED RAILROAD WORKERS OF AMERICA, C. I. O.

THE PENNSYLVANIA RAILROAD COMPANY
—Eastern Region—

DISPUTE: CLAIM OF EMPLOYEES: 1. It is respectfully submitted that within the meaning of the Controlling Agreement, the Pennsylvania Railroad Company stands in violation thereof, in that, Electrician Emerson T. Ramsey was unjustly dealt with on the property of the Carrier.

2. Therefore, we claim, on behalf of Electrician Emerson T. Ramsey, that the thirty-four (34) days suspension imposed by the Carrier was not authorized by the terms of the Controlling Agreement and that the Carrier be ordered to compensate him for all monetary loss due to this unilateral action.

3. We further claim that the thirty-four (34) day suspension should be expunged from his record.

EMPLOYEES' STATEMENT OF FACTS: There is an agreement between the parties hereto, dated July 1, 1949, and subsequent amendments, a copy of which is on file with the Board and is, by reference hereto, made a part of this statement of facts.

At Harrisburg, Pa., Philadelphia Division, Eastern Region, The Pennsylvania Railroad Company, hereinafter referred to as the carrier, employs a force of electricians.

The aggrieved, Emerson T. Ramsey, hereinafter referred to as the claimant, is employed as an electrician at Enola diesel enginehouse, Harrisburg, Pa., first track.

On February 26, 1952, the claimant was arrested by Pennsylvania Railroad police, and arraigned before an alderman on the charge of disorderly conduct on P. R. R. property, at Harrisburg passenger station. The docket of the alderman shows the claimant made a plea of guilty and a fine of ten dollars or ten days in jail was imposed.

The claimant was held out of the employment of the P. R. R. Company pending outcome of a trial conducted on the property of the carrier. (See employes' Exhibit A).

The claimant was charged with "Creating a disturbance on P. R. R. property at 1:55 A.M. Feb. 26, 1952, plaza of Harrisburg Passenger Station." (See employes Exhibit B).

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 waived right of appearance at hearing thereon.

The record in the instant dispute does not justify a sustaining award.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of April, 1954.