

Award No. 2508

Docket No. 2314

2-PRR-MA-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Dudley E. Whiting when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 152, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Machinists)**

PENNSYLVANIA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current Agreement, Machinist Helper H. E. West, considers that he was unjustly treated when he was suspended from service for five (5) work days during the period August 10, 1954, to September 28, 1954, inclusive, and his record so noted.

2. That accordingly the Carrier be ordered to:

(a) Compensate him for wage loss on August 10, 17, September 17, 27 and 28, 1954.

(b) Remove the notation of discipline from his record.

EMPLOYEES' STATEMENT OF FACTS: Mr. H. E. West, hereinafter referred to as the claimant, was employed by the Pennsylvania Railroad Company, hereinafter referred to as the carrier, as a machinist helper, at the Crestline, Ohio enginehouse.

Under date of August 13, 1954, the claimant was given notice to attend trial at 1:00 P. M., C.D.T., August 17, 1954, in the office of the master mechanic at Fort Wayne, Indiana. Copy of said notice is attached to the trial record, identified as Attachment No. 1 to Exhibit A.

Trial was held by Master Mechanic L. J. Garrett, as scheduled, and submitted herewith and identified as Exhibit A, is a copy of the trial record. Attached to and a part of the trial record are the following:

1. Claimant's notice of trial.
2. Names of employees—Second Trick Safety Meeting
3. Skin Irritations—Prevention and Control
Employee Guidance Instruction dated January 6, 1953.

employees at Crestline were instructed to wear clean work clothes as one measure to prevent dermatitis, and they were also instructed, and this point was heavily stressed, that if an employee were suffering from dermatitis it was important that he wear clean work clothes to combat and to control the skin irritation. In the instant case the claimant had broken out in a skin irritation which he believed to be dermatitis, yet in complete disregard of the carrier's instructions, and in utter disregard of his own health, he reported for duty wearing dirty clothes. Even if the claimant had no skin irritation he should have reported for duty in clean work clothes, but since he was suffering from a skin irritation which he believed to be dermatitis, his failure to wear clean work clothes was even more culpable, and his disregard of the carrier's instructions even more flagrant.

Under the circumstances, it is readily apparent that the employees' contention that the claimant was not suffering from dermatitis offers no support to their case before your Honorable Board.

Therefore, the carrier respectfully requests your Honorable Board to deny the claim in this matter.

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.

The parties to said dispute were given due notice of hearing thereon.

In the handling of this claim on the property carrier officers relied upon instructions issued January 6, 1953 as justification for the charge against claimant. The only relevant portion is, "do not work continuously in oil soaked clothes." The evidence adduced at the investigation does not show that claimant was in violation thereof.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 21st day of June, 1957.