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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6449
Docket No. 6275
2-P&LE-SMW-'73

The Second Division consisted of the regular members and in addition Referee Irving R. Shapiro when award was rendered.

Parties to Dispute: { System Federation No. 1 Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Sheet Metal Workers)
 {
 { The Pittsburgh and Lake Erie Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement the Pittsburgh & Lake Erie Railroad Company improperly removed Sheet Metal Worker (Water Supply Repairman) Steve Bednar from service at the completion of his assignment May 15, 1969.
2. That accordingly, the Pittsburgh & Lake Erie Railroad Company be ordered to pay Sheet Metal Worker (Water Supply Repairman) Steve Bednar, wages lost at the applicable rate for the period from May 16, 1969, up until his ultimate return to duty on October 27, 1969.

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.

Parties to said dispute waived right of appearance at hearing thereon.

It is the basic intent and conception of the Railway Labor Act that every effort be undertaken by management and labor in the transportation industry to resolve their differences promptly and whenever possible at the local level. The National Railroad Adjustment Board in effectuating this aspect of the Act has consistently urged, in Awards too numerous to cite, that such principle be adhered to and our decisions have pressed this position with vigor.

The record herein disclosed that the Carrier, in an endeavor to terminate the dispute, on July 17, 1970 made an offer of settlement of the claim. In doing so, Carrier, in effect, conceded that there may have been some mishandling of the matter in its initial stages, which was the crux of the disagreement. This constituted a resolution of the basic factor of the dispute. The Petitioner's submission reveals that the offer was rejected. There is no showing that any counter-proposal was interposed by the Organization or the claimant. This is not consistent with the above referred to conduct which this Board considers appropriate in the processing of a claim. The Carrier's offer has never, according to the record, been withdrawn and in view of the procedural failing found, is the extent to which we believe the claim should be satisfied.

A W A R D

Claim disposed of in accordance with the findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 16th day of February, 1973.