

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 18, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)
BOSTON & MAINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES.—That William Blodgett, machinist, be reinstated to his former position as machinist at the New Boston Terminal engine house, Boston, Mass., with his seniority rights unimpaired and paid for all time lost.

POSITION OF EMPLOYEES.—That William Blodgett, machinist, employed at the New Boston Terminal engine house, Boston, Mass., was given a hearing by General Foreman Cross on August 26, 1935, regarding false statements made by Blodgett to Piecework Inspector Jennings; that Blodgett was disciplined to the extent of being given demerit marks and allowed to return to work; that he was subsequently removed from service for the same offense; that he was given another hearing which was conducted by the master mechanic, and at the conclusion of this hearing Blodgett was dismissed from the service.

We contend that when the general foreman disciplined Blodgett, after the initial hearing, and his decision being accepted by the committee, that the case was closed.

POSITION OF CARRIER.—That on August 23, 1935, the general foreman advised the master mechanic that he had information concerning serious irregularities involving Machinist Blodgett, who was suspected of defrauding the railroad company. The master mechanic instructed the general foreman to suspend the employe involved, pending a hearing, which was conducted on the following day, August 24, at which time Machinist Blodgett admitted his guilt and stated that he would take the consequences. On August 26, 1935, another hearing was held by the general foreman when the local committee were present. At the conclusion of this hearing, the general foreman advised the local committee that he would give Machinist Blodgett "so many demerits that he will never forget the offense," and permitted him to resume work.

The superintendent of locomotive maintainance, however, did not approve the recommendation of the general foreman and ordered Blodgett dismissed.

On September 3, 1935, the case was appealed to the master mechanic by the local committee, and another formal hearing was held and stenographic record taken.

We contend that a superior official has a right to over-rule the decision of a subordinate official, if in the superior official's judgment he regards the discipline administered by the subordinate official as being too severe or too lenient.

FINDINGS.—The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds:

The carrier and employe 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.

Neither party having asked for oral hearing, the Award is made upon the records submitted.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 20th day of January, 1936.