

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 45, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)
ST. LOUIS SOUTHWESTERN RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYEES.—Shall Machinist J. R. Carter hold seniority from March 10, 1933, and should he be paid for all time lost as a result of the failure of the carrier to call him for duty as they indicated they would in his service letter.

POSITION OF EMPLOYEES.—Machinist J. R. Carter completed his apprenticeship on March 10, 1933, and continued in the service until March 20, 1933, when relieved from the service. He was given a letter dated March 29, 1933, signed by the supt. motive power, showing that he worked as a machinist from March 10 to March 20, 1933, and that he would be recalled to service when business conditions justified. Since Mr. Carter was retained in the service after completion of his apprenticeship, he should have his seniority rights restored and be paid for all time lost as a result of the failure of the carrier to call him to return to service.

POSITION OF CARRIER.—Mr. Carter was employed as a machinist helper apprentice in the Pine Bluff, Ark., shops, until March 20, 1933, when he was relieved from the service account of notice received from the Timekeeping Department at Tyler, Texas, that he had completed his apprenticeship on March 10, 1933. On March 29, 1933, the chief clerk to the supt. motive power, gave Mr. Carter a letter, bearing the signature of the supt. motive power, which erroneously stated that he received the status of a mechanic and was subject to recall. The chief clerk was not familiar with the practice then in effect, that apprentices who work beyond the hours assigned for completing apprenticeship would not acquire seniority as mechanics. Under the established custom stated above, apprentices working a few hours or days after completing their apprenticeship would not acquire seniority as mechanics or journeymen; therefore, Mr. Carter is not entitled to seniority as a machinist, as of March 10, 1933.

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

The carrier and the 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.

The parties to said dispute were given due notice of hearing thereon, and oral hearing was held December 17, 1935.

In view of the evidence and circumstances the claim should be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 22nd day of January, 1936.