

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**Second Division**

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYES' DEPARTMENT,  
A. F. OF L. (CARMEN)**

**CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYES.**—Pay for time lost by Walter I. Ledman, Armourdale, Kansas.

**POSITION OF EMPLOYES.**—Mr. Ledman, on July 27, 1933, reported for duty at his regular time and place and did immediately perform the same duties as required of him on other days previously, while in the employ of the carrier, as a car inspector.

He saw Mr. Le Manske, special officer of the railway, in the door of the shanty and thought he beckoned toward him. Inasmuch as he had discovered that person or persons were stealing grain and lining boards from the cars, he felt it his duty to report the same. He went over to his shanty and made this report to Mr. Le Manske, as was and is now customary for inspectors to do.

Mr. Doody and Mr. McArthur, foremen, came by and accused Mr. Ledman of "willful neglect of duty" in connection with inspection of cars in transfer, while he, Ledman, thought that by going to the special officer with this report he was doing his employer a service.

Rule 34, shopmen's agreement of 1929, provided:

"At a reasonable time prior to the hearing, such employe will be notified of the precise charge against him. The employe shall have reasonable opportunity to secure the presence of necessary witness and shall have the right to be there represented by Division or System Chairman of his craft."

It develops that Ledman was taken from his work and investigation held the same day at 10:40 a. m. without giving him time and opportunity to prepare his defense or secure necessary witnesses, as provided in Rule 34 above quoted.

Rule 34 further provides that:

"\* \* \* if it is found that an employe has been unjustly suspended or dismissed from the service of his employer he shall be reinstated with his seniority rights unimpaired and compensated for the wage loss, if any, resulting from said suspension or dismissal."

This man's ability as a mechanic has never been questioned. Neither has he had any trouble with the foreman before the organizing campaign started, and he has always been known as a hard worker in the interests of his employer.

In the year 1933 the B. R. C. of A. affiliated with the A. F. of L., starting an organizing campaign on the Rock Island Railway. Mr. Ledman became interested in this organization, severed his membership in the company union and joined the Brotherhood Railway Carmen of America. Almost immediately the officers of the company union became active in their efforts to force Ledman back into their organization or out of the service and were aided and abetted by the local officials.

Further, that the real reason for his, Ledman's, dismissal was not as charged, but because of his labor affiliations. That this is true is well borne out by a statement marked "Exhibit F" by Mr. Frank Gentry, assistant yardmaster, Armourdale, Kansas.

In view of the foregoing statements relative to this man's suspension and in line with Rule 34 of the then existing agreement, we are, therefore, asking that your honorable board grant pay for this man for the time lost due to said suspension.

**POSITION OF CARRIER.**—Walter I. Ledman was released from service of the carrier on July 27, 1933, for violation of instructions given him by Foreman M. Doody to get out in yard and do necessary work and not loaf in inspector's

shanty. His release was warranted on basis of investigation held July 27, 1933, in which he admitted that he had been cautioned several times by his foreman about loafing; also that he remained in the shanty from 8 to 8:50 AM, when his duties required that he be out in the yard inspecting cars. No company business required his presence in the shanty for fifty minutes on date in question.

Mr. Ledman was reinstated in the service without pay for time lost, but with full restoration of seniority rights, April 2, 1934, after conference between master mechanic and general chairman and local chairman of carmen's organization. No claim for time lost was made by Ledman or his representatives who pleaded for his reinstatement as it was thoroughly understood to be on a leniency basis, giving recognition to his long service.

**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 were given due notice of hearing thereon.

The evidence in this case does not substantiate the claim that the discipline administered in this instance was because of activities in connection with an organizing campaign.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: J. L. MINDLING  
*Secretary*

Dated at Chicago, Illinois, this 21st day of May, 1936.