

NATIONAL RAILROAD ADJUSTMENT BOARD

Second Division

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)
CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYEES.—That Machinist George Ostic be paid for all time lost as a result of being improperly taken out of service on July 31, 1935.

EMPLOYEES' STATEMENT OF FACTS.—On July 11, 1935, Machinist George H. Ostic was instructed by Foreman Saureman to remove left valve cross head pin so he could examine pin. Foreman Saureman instructed Machinist Ostic to put pin back, stating it was O. K. On July 31, 1935, Machinist Ostic was given an investigation and taken out of service on the charge that he had failed to properly perform a job assigned to him on engine 934, July 11, 1935.

POSITION OF EMPLOYEES.—We claim George Ostic was taken out of service unjustly. He performed this particular job as instructed by his supervisor, Foreman Saureman. Was witnessed by Machinist Helper Glen E. Jones. Engine 934 was dispatched on July 12, on passenger train # 33 out of Herington at 3:10 A. M., made a successful run of 150 miles without any delay or giving the engineer any trouble.

Machinist Ostic didn't sign any work slips on this particular job until the foreman asked him to fourteen days after engine was dispatched and no investigation held for twenty days after engine was worked on by Machinist Ostic, which was a violation of Rule 34 of the agreement in effect at that time. Machinist Ostic wasn't notified prior to being called in for an investigation. We are, therefore, asking that Machinist Ostic be compensated for time lost, being out of service for thirty days.

CARRIER'S STATEMENT OF FACTS.—George H. Ostic entered the service of this company at Herington, Kansas, as machinist November 28, 1923. On July 31, 1935, he was dismissed from service because of improper work performed on engine 934, he failing to find defective pin and apply new pin in crosshead and pendulum bar of that engine at Herington on July 11, 1935.

Mr. Ostic was reinstated in service on August 29, 1935, on leniency basis, with full seniority rights.

POSITION OF CARRIER.—On July 10, 1935, engine 934 failed in passenger service at Topeka, Kansas, and was cut out at that point. The failure was occasioned by crosshead pin gaulding. In order to move the engine to Herington, Kans., under steam (doubleheaded on extra west with engine 5031), where it could be given necessary attention and permanent repairs, Roundhouse Foreman Turner at Topeka made temporary repairs. Not having necessary material on hand, he applied a bolt to this crosshead which would not go into the fit within 1 inch of where it should go, and, consequently the dowel in the end of the pin would not go within one inch of where it should fit into the notch in the crosshead, and Foreman Turner was only able to apply a box car lock nut $\frac{3}{8}$ " threaded end on this bolt. This was the condition in which this engine arrived at Herington.

The investigation developed that Machinist Ostic removed this pin, examined it and the bushing, and, upon inquiry of his foreman, advised that he (Ostic) had inspected these parts and that the pin and bushing were in good condition. Ostic overlooked entirely the fact that this pendulum bar was badly gaulded and that a rough bushing had been applied to crosshead and that the pin would not go into same as it should by a distance of over one inch.

Ostic's neglect in handling this particular piece of work was about as crude a piece of workmanship as could be performed by an experienced machinist. There is no question involved in this case except the question as to the type of work-

manship performed by Ostic on engine 934 with respect to this pin and bushing.

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 presented in this case does not support the claim of employes.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 6th day of August, 1936.