

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)
MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES.—Claim of Coach Carpenter W. E. Scoggins for compensation equal to twenty-eight days pay at coach carpenters' rate, 81 cents per hour, a net amount of \$164.02, for time lost due to being discharged, effective December 11, 1933.

EMPLOYEES' STATEMENT OF FACTS.—Coach Carpenter W. E. Scoggins was discharged from service December 11, 1933, and reinstated February 7, 1934.

POSITION OF EMPLOYEES.—That Coach Carpenter W. E. Scoggins was discharged from service by the Missouri Pacific Railroad account of affiliating with the B. R. C. of A. and not for cause as claimed by management, i. e., Mr. Scoggins was relieved from service account defective workmanship on mail and baggage car 2551.

We contend that Missouri Pacific Railroad discriminated against Mr. Scoggins according to facts hereinafter set forth. On November 15, 1933, Mr. Scoggins was assigned to apply new side sheets on mail section of MP car 2551; he performed this work in the usual and customary manner driving some 600 rivets, then checking over his work when he got through and found no defects or loose rivets. Local supervision then inspected his work and finding no defects assigned a painter force to the job, who sanded, puttied, and primed the side sheets applied by Scoggins.

On, or about, December 7th, and approximately some 22 days later, following removal of car to paint shop, the foreman sent for Scoggins and called his attention to some rivets which he marked out. Mr. Scoggins again inspected these rivets but could not find where any of them were defective. However, Mr. Arnold insisted that he cut out the rivets and apply new ones.

We further contend that local supervision failed to provide the necessary facilities so that this particular job of riveting could be properly performed.

If the trucks and other obstacles had been removed it would not have been necessary to drive rivets from the original head from the outside. Therefore it can be readily seen that the helper in bucking these rivets was at a distinct disadvantage and could not apply sufficient leverage.

We submit for your consideration Exhibit A which seems to clearly indicate that Coach Carpenter Scoggins was removed from service solely on account of his activities in organizing the B. R. C. of A. We also contend that any waiver for compensation signed by Mr. Scoggins was done so under duress and not of his own free will. Therefore, in accordance with Rule 32 (e) of agreement in effect April 1, 1929, and up to and including current agreement November 1, 1934:

"RULE 32 (e). If it is found that an employe has been unjustly suspended or dismissed from the service, such employe shall be reinstated with his seniority rights unimpaired, and compensated for the wage loss, if any, resulting from said suspension or dismissal."

we are claiming compensation in the amount aforementioned.

CARRIER'S STATEMENT OF FACTS.—W. E. Scoggins last employed as a coach carpenter April 21, 1923, in the car shops at North Little Rock, Arkansas; dismissed from service Dec. 11, 1933, account unsatisfactory work following investigation afforded him pursuant to our wage agreement with the shop employes, at which he was represented by representatives of his choice, chairman and secretary, of the shop crafts (Carmen) at North Little Rock shops.

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 support the petition of the employes for compensation for wage loss.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 3rd day of December, 1936.