

Award No. 143

Docket No. 147

2-CRI&P-MA-'37

**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 J. A. Verplank be reinstated with seniority rights unimpaired and compensated for all time lost, due to being taken out of service on April 22, 1936, account engine No. 4037 failing on passenger train No. 6, on April 20, 1936.

**EMPLOYEES' STATEMENT OF FACTS:** On April 20, 1936, engine No. 4037 was held at Valley Junction, Iowa, for repairs to engine trucks. Jimmie Riccio, a second-class machinist, was assigned to perform the work, and owing to the fact that Riccio's experience was limited in this line of work, the general foreman instructed Verplank to assist him in getting the lateral on the engine trucks. Verplank, although assigned to first-class machinist work on another engine, followed instructions from his supervisor and did assist in getting the lateral, returning to his own work until after wheels were applied and hub liners were in place, at which time Riccio came and asked him to go over to the shop and instruct him how to operate the bolt cutter, as the nuts were too tight a fit on engine truck binder bolts and needed retracing. Leaving his own work on the other engine, Verplank proceeded to the back shop and instructed Riccio how to operate the machine, retracing the threads on three bolts for him, at which time Riccio took over the operation and retraced the threads on three more bolts, with Verplank watching; then Verplank retraced the threads on two more bolts, making a total of eight bolts that had been retraced, while Verplank was at the machine. Verplank then returned to his own work, after being assured by Riccio that he could operate the machine satisfactorily on the remaining eight bolts needed for the job, returning to assist Riccio only at intervals during the day to make sure that the proper lateral had been given the wheels and that other details had been performed.

**POSITION OF EMPLOYEES:** The evidence in this case plainly indicates that Machinist Verplank has been, and is being, grossly discriminated against in being disciplined for an engine failure in which he was in no way directly responsible and is being made to suffer because of the action of the supervisor in charge placing an inexperienced man on a class of work with which he was not familiar and relying on his limited ability to perform a task in a mechanical manner.

True, Verplank was instructed to assist this man all he could in conjunction with his other duties, which he did, as indicated by the investigation. The part of the work of this particular job that he did assist in doing did

Riccio waived claim for time lost.

These men were all guilty and the claim of Verplank and Brown that they should be paid under the last provision of Rule 36 of the agreement between the employes and this carrier cannot be supported, because that rule provides for payment of time to employes who have been unjustly suspended or dismissed.

A perusal of the investigations will leave no doubt as to the responsibility of each of these employes.

Neither Verplank nor Brown was unjustly dismissed and their claim should be definitely declined.

**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.

Prior to the date of hearing of this case on the original claim representatives of the employes and of the carrier agreed upon the reinstatement of Machinist Verplank with seniority rights unimpaired, leaving for the Division to decide only the claim of compensation for time lost.

The facts of record and the hearing held before this Division did not disclose that Machinist Verplank was responsible for the alleged improper repairs involved in the failure of engine No. 4037. Therefore, he was unjustly dismissed.

#### AWARD

Claim of employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 11th day of March, 1937.