

**Award No. 536**

**Docket No. 544**

**2-ACL-MA-'41**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee William E. Helander when award was rendered.

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYES'  
DEPARTMENT, A. F. OF L. (MACHINISTS)**

**ATLANTIC COAST LINE RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYES:** That W. W. Holland, engine inspector, Lakeland, Florida, should be compensated in the amount of \$58.88 to cover loss of time resulting from eight (8) days' actual suspension from work, effective March 14, 1940.

**EMPLOYES' STATEMENT OF FACTS:**

W. W. Holland was employed as machinist February 19, 1919.

Went out on strike July 1, 1922.

Returned to service as machinist January 10, 1923, date of seniority now shown on the machinists' seniority roster at Lakeland, Florida.

W. W. Holland has been regularly assigned as engine inspector since the month of March, 1924. He receives a 5¢ per hour differential rate of pay for inspection and signing of Federal reports, thus establishing his present rate of pay at 92¢ per hour.

On February 19, 1940, Mr. Holland received the following notice over the signature of Enginehouse Foreman C. O. Butler:

"We hold the following charge against you:

Improper inspection of engine 956 at Lakeland on January 24th, 1940.

I will give you an investigation in the General Foreman's office Tuesday Feb. 20th, 1940 at 4:05 P. M. If you choose, you may have a representative with you at the investigation. You also have the opportunity of bringing any witnesses with you that you consider necessary in answering the charge against you."

At the investigation conducted pursuant to the above stated notice Mr. Butler opened same by explaining more fully the charge involved, stating:

"Mr. Holland, this investigation is being held in connection with defects reported by Mr. A. E. Adams, Federal Locomotive Inspector at Fort Myers February 16th, 1940 when he inspected engine 956

week. Therefore, there were two Fridays between the 14th, which was the effective date of the suspension, and the 24th, the day Mr. Holland returned to work. Therefore, he only served eight actual days' suspension and the unfairness and arbitrary attitude of General Chairman Hendrix in his claim for \$66.24, which is the money he would have received had he worked nine days is exhibited.

When this case had progressed to the general superintendent motive power's office, in order to prevent being misquoted, a stenographic report was made of the discussion on this case, and carrier offers this case as Exhibit B, calling particular attention to this report showing the attitude that is being taken by General Chairman Hendrix by discussing any alleged grievances.

Carrier contends that it has the right to discipline employes, especially when it is shown clearly that in this case the machinist inspector got repeated warnings about his failure to properly inspect engines.

Carrier is supported by previous decision of this Board, as in Award 38, Docket No. 40. Discipline was administered, even though discipline administered in this particular case is not in the same degree.

Therefore, discipline administered is not unfair or unjust. Carrier respectfully requests the National Railroad Adjustment Board to deny this claim.

**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 record in this case discloses no adequate reasons for disturbing disciplinary action of the management.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 8th day of January, 1941.