

**Award No. 684**

**Docket No. 623**

**2-ACL-CM-'42**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

**PARTIES TO DISPUTE:**

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

**ATLANTIC COAST LINE RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYES:** That the dismissal of Car Inspector J. W. Taylor, Waycross, Georgia, charged with failure to detect loose wheel under A. C. L. Coach 1078, operating in trains 180 and 189 constituted unjust treatment for which it is claimed that J. W. Taylor should be reinstated with seniority rights unimpaired and compensated for all time lost from date of dismissal—August 28, 1940—until restored to service.

**EMPLOYES' STATEMENT OF FACTS:** Trains 180 and 189 are local trains operating between Waycross, Georgia, and Montgomery, Alabama, a distance of 314 miles. There are fifty-eight (58) scheduled stops shown on timetable between the two terminals. Train 189 arrived in Montgomery, Alabama, August 11, 1940, at 5:55 P. M. with hot box on coach 1078, pedestal 12. The condition of box was reported by the conductor upon arrival, to the inspector on duty. After the arrival of train at terminal, all cars were placed in car shop according to usual practice for inspection repairs, cleaning, watering, icing, etc. Hot box at pedestal 12 was carefully examined and condition reported to car foreman. The box was repacked, rebrassed and car retained in service.

On return trip to Waycross, Georgia, August 12, 1940, this same box, pedestal 12, coach 1078, ran hot. General Foreman Dobbins, at Thomasville, Georgia, was furnished advance information of this condition by conductor. The box was rebrassed and repacked at Thomasville, Georgia, under the direct supervision of General Foreman Dobbins.

When train 180 reached Waycross, Georgia, 104 miles beyond Thomasville, the conductor reported two items on conductor's defect forms (lavatory out of order and hot box pedestal 12), both defects on coach 1078. Train arrived in Waycross at 5:50 P. M. Inspector Taylor, regularly assigned second shift passenger inspector, reported to passenger station from freight yard at 6:30 P. M., and upon examining this box found the journal not hot enough to prevent examination with the bare hand. All packing was removed and journal carefully examined. The journal and brass were found to be O. K. The box was repacked with fresh packing and free oil added.

While this train is in Waycross it is broken up and switched to various parts of the terminal; the two coaches going to the wash track for cleaning, etc. The mail, baggage and express cars are separated and left on the yard.

Inspector J. W. Taylor was regularly assigned to make incoming inspection and repairs to train 180 arriving August 12, 1940. He had plenty of time to make a close inspection of this four car train and was forewarned by Conductor Blythe that there was trouble at 12 pedestal on coach 1078. He was negligent in his inspection of the coach. Had he taken the trouble to look under the car, the carrier is firmly convinced that he would have found the loose wheel on the axle. It is beyond the bounds of reason to assume that the wheel became loose after the coach left Waycross, when the condition of the wheel showed that it had wallowed out approximately 9/16" larger than the wheel fit on the axle. Undoubtedly the wheel was loose on the eastbound trip and was the cause of the box heating and giving trouble. Inspector Taylor should have found this loose wheel with even ordinary inspection. It is a dangerous thing to allow a car to go out with a loose wheel. It was indeed fortunate that there was no derailment on account of the condition of the wheel. An employe who passes up a condition of this kind is not a safe man to be in the service and carrier contends that this inspector is solely responsible for allowing the car to leave Waycross August 13, with the loose wheel. Inspector Taylor has been repeatedly warned about overlooking defects on cars he inspected. Sworn transcript of his record shown as Exhibit I. This transcript only shows partial list of entries on his record. He had received many admonitions from his foreman.

Carrier contends the dismissal of Inspector Taylor did not constitute unjust treatment but was fully justified and is not a violation of any of the rules of the agreement. Therefore, 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 evidence of record supports the conclusion that Car Inspector J. W. Taylor was dismissed from the service without adequate justification and in violation of the agreement.

#### AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 15th day of January, 1942.