

Award No. 690

Docket No. 656

2-ACL-MA-'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 EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Machinist H. G. Hubbard, Albany, Georgia, be compensated in the amount of \$62.64 to cover loss of time resulting from ten days' actual suspension from work—effective February 26, 1941, and embracing nine eight-hour work days at 87¢ per hour—under Rule 21, paragraph 3, of the current agreement.

EMPLOYEES' STATEMENT OF FACTS: Machinist Hubbard's employment with the carrier dates from August 3, 1922, date employed at the Albany, Georgia, roundhouse. He is a regularly assigned running repair machinist on the first shift, six days per week from 8:00 A. M. to 4:30 P. M.

On January 20, 1941, Hubbard was given work card to renew pump throttle bonnet on engine 1735. The engine being under about thirty pounds of steam made it necessary that he close the main steam valve to turret in order to perform this work. A new stem and bonnet were applied and on completing the job Hubbard immediately applied himself to other urgent work awaiting his attention on first-out engines.

Engine 1735 left Albany at 1:50 A. M., January 21, on regular run to Jacksonville, Florida, with train 95—The Dixie Flyer—which on this date was comprised of fifteen cars. Injector trouble experienced at Millwood, Georgia, 93 miles from Albany, caused engine to give up train. This is developed in a statement required of the night shift machinist, H. F. Williams, on January 21, when questioned with reference to whether he was on duty the night of January 20 and on the morning of January 21, and as to whether he inspected and tested engine 1735 prior to its departure from Albany. Machinist Williams stated that he had inspected and tested out the engine prior to its being placed in service, and further stated that he found no defects and everything was in good condition including both injectors.

Hubbard was off duty from January 25 to February 17 undergoing treatment for pneumonia. He was sent for on date of February 7 and brought to the roundhouse foreman's office for the purpose of securing from him a statement with reference to delay to train 95, January 21, "account of main steam valve to turret working closed and causing injector trouble." Hubbard stated on this occasion that he could not remember whether or not he had opened the main steam valve to turret when completing renewal of pump throttle bonnet on January 20. He returned to work on February 17,

When the engine was fired up in the roundhouse, preparatory to being offered for service on train 95 south, the fire-around man could not get the blower or steam generator to work and at that time it was discovered that the main steam valve to the turret was closed. When it was partly opened, a leak was noticed at the turret, Machinist Inspector Williams got up on the engine and found that the new bonnet and stem that had been applied by Machinist Hubbard to the air pump throttle, was leaking and the packing nut was off. This, of course, indicated that Machinist Hubbard had never completed the job that he signed the work card for. Machinist Inspector Williams states that he put the packing nut in place, also that he opened up the main steam valve to the turret with a small 8" Stillson wrench, as wide as he could. He admits that he did not lock same back by hitting the wrench with a hammer. A subsequent test made on the main steam turret of this engine, using an 8" Stillson wrench to open same, when thoroughly packed indicated only about one good turn of same, whereas from full closed position to the full open position on the main steam turret valve of this engine requires three complete turns. There is no doubt but that Machinist Williams simply opened the turret valve wide enough so that the blower and other facilities on the engine would function and there was enough steam evidently going through the restricted opening to work one injector at a time. Everyone concerned, therefore, assumed that the main turret valve was functioning properly and that Machinist Hubbard had completed his repairs on same. The engine was offered for service in this condition, with the turret valve only partly open. However, as the engine began to work to capacity on the road and there was a demand for both injectors, there was not sufficient steam coming through the main turret valve opening, due to the restricted passage.

While Inspector Williams should have been sure that the valve was completely opened and locked back, he probably was honest in assuming that he had opened it all the way, therefore, inasmuch as he had no part in closing this valve or making the first repairs on the engine, we do not feel that he was responsible for the failure. The responsibility is with Machinist Hubbard, who shut the valve off in order to do the work on the pump throttle bonnet and then neglected to open it up completely again, leaving his work incomplete, but signed the work card that the work was completed.

Engine 1735 had given no trouble with the injectors prior to this failure. When it was tested out at Waycross and the main steam valve to the turret opened, the engine was put back again in service.

This same engine gave trouble on February 4, 1941, with injectors, south of Waycross, Ga., but on investigation it was found that someone, evidently with malicious intent, had thrown some hair used for stuffing seat boxes and arm rests, into the tender, which stopped the supply of water. We were unable to find out who did this but there was no way for this foreign matter to get into the tender without it being maliciously thrown in.

Machinist Hubbard is primarily responsible for the failure of this engine on January 21st, despite the fact that another machinist did some work on the pump throttle which should have been done by Machinist Hubbard when he started the job. Machinist Hubbard admits that he was given a work card on the engine, admits that he left the work incomplete, also admits that he closed the main steam valve and forgot to open it again.

The carrier, therefore, contends that the rules of the agreement have not been violated and the discipline administered was just and 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 does not disclose adequate grounds for disturbing the disciplinary action of the management.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Diviston

ATTEST: J. L. Mindling
Secretary

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