

Award No. 692

Docket No. 677

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 EMPLOYES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: (1) That Machinist L. L. Payne, Montgomery, Alabama, be compensated in the amount of \$69.60 to cover loss of time resulting from ten days' suspension from work, effective May 17, 1941—embracing ten eight-hour work days at 87¢ per hour—under Rule 21, paragraph 3, of the current agreement.

(2) That Machinist A. Joyce, Waycross, Georgia, be compensated in the amount of \$104.40 to cover loss of time resulting from fifteen days' suspension from work, effective May 26, 1941—embracing fifteen eight-hour work days at 87¢ per hour—under Rule 21, paragraph 3, of the current agreement.

EMPLOYES' STATEMENT OF FACTS: The discipline specified in each of the foregoing claims was administered in connection with an accident occurring to engine 1515, train 11, April 14, 1941. Thus the two claims are jointly presented with the view of eliminating repetition and confusion if presented separately.

The accident in question occurred near Boston, Georgia, 92 miles from Waycross, when engine 1515—a steam locomotive—was enroute west from Waycross, Georgia, to Montgomery, Alabama, with streamline train 11—The South Wind. The South Wind is one of carrier's fastest passenger trains; it made its initial trip from Waycross to Montgomery on December 20, 1940, and running every third day thereafter.

On April 17, 1941, Machinist Payne was given an investigation in connection with accident occurring on April 14. He was charged with failure to detect a defect of about 65% old break in the left middle connection side rod of engine 1515, extending from top of rod, about 13" ahead of middle connection hole in rod, when making his inspection of this engine at Montgomery on April 11. Such alleged defect was represented by General Foreman Duncan to have caused the accident account of rod giving away, entailing approximately four hours train delay and considerable damage to engine.

Machinist Payne had inspected engine 1515, at Montgomery, on April 11. Following his inspection the engine had made its next regularly scheduled run to Waycross—a distance of 314 miles—with streamline train 12, with-

manner in which Machinist Joyce inspects locomotives, also states that there was no excuse for him overlooking the defect on engine 1515 and points out the fact that Joyce has frequently overlooked similar defects.

Affidavit submitted from Mr. C. A. White, master mechanic at Waycross, dated August 26, 1941, marked carrier's Exhibit L. Mr. White calls attention to the numerous occasions that Joyce has had to be reprimanded for his negligence and the many promises made by him that if overlooked, he would do better in the future.

Machinist Joyce has made repeated inspections of this engine and the flaw or crack in the broken rod was a progressive one, showing that it had existed for some time before the break occurred. On the numerous times that the engine was in Waycross roundhouse, the rods were not always greasy, as stated by Machinist Joyce in his investigation, as the engines of the carrier are kept in a normally clean condition and Machinist Joyce should have been able to have found this crack and followed its development. The crack showed plainly to have developed from the top part of the rod. Machinist Joyce inspected the engine at Waycross previous to its going out on the ill-fated trip on April 14th, the engine going only a distance of 92 miles from Waycross before the rod broke, showing conclusively that the crack in the rod must have been pretty well opened up and extended through the cross section of the channel before leaving the terminal. Machinist Joyce was careless and negligent in his duties in not discovering the crack in the rod, and carrier showed much leniency in suspending him for only fifteen days on account of his slipshod work. His record shows that the Federal Inspector repeatedly found defects on engines after Machinist Joyce had made his inspection and on each occasion he was reprimanded for his poor work.

In the foregoing, the carrier has endeavored to show that the side rod on engine 1515 broke in service, due to negligence and faulty inspection on the part of Machinist L. L. Payne and A. Joyce at Montgomery and Waycross roundhouses. Both of these men have had sufficient experience in engine inspecting that the carrier believes either of them should have been able to have detected the crack in the rod that failed on or before the last dates that they inspected the engine. Rule 32 (b) of the agreement between the Atlantic Coast Line Railroad and the employees of the mechanical department states: "All employes on an hourly basis will comply with the hours for work and apply themselves diligently during working hours."

The carrier asserts that these two men did not apply themselves diligently to their duties. If they had, the condition of the side rod would undoubtedly have been discovered and a bad failure prevented. The records of these two men show that they have been repeatedly cautioned about poor inspection and on the whole, both of them have been let off very lightly, considering the many difficulties they have been in. Machinist Joyce's record in this respect is especially bad.

Carrier respectfully requests the National Railroad Adjustment Board to deny this claim.

FINDINGS: The Second Division of the Adjustment Board, upon the whole and all the evidence, finds that:

The carrier or carriers and the employe and 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 Division

ATTEST: J. L. Mindling
Secretary

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