

Award No. 1030

Docket No. 982

2-CRI&P-FO-'44

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (FIREMEN & OILERS)**

**THE CHICAGO, ROCK ISLAND AND PACIFIC
RAILWAY COMPANY**

(Joseph B. Fleming and Aaron Colnon, Trustees)

DISPUTE: CLAIM OF EMPLOYEES: That Dayton A. Dorey, Jr., round-house laborer, Peoria, Illinois, forfeited his original seniority date as laborer of February 1, 1939.

JOINT STATEMENT OF FACTS: The record of Dayton A. Dorey, Jr., as an employe on this carrier at Peoria, Illinois, is as follows:

Feb. 1, 1939—Laborer
June 11, 1942—Coach Cleaner (temporary)
June 29, 1942—Laborer
July 3, 1942—Coach Cleaner
June 17, 1943—Laborer
Nov. 9, 1943—Sta. Fireman (temporary)
Nov. 15, 1943—Laborer (still in service)

On August 28, 1942, Mr. Dorey signed the following document:

Peoria—Aug. 28, 1942

Mr. O. H. Sommerfeld—

I wish to continue as coach cleaner with my seniority date effective June 10, 1942 and forfeit my seniority as a laborer.

Signed: Dayton Dorey, Jr.

The foregoing is agreeable to us—

Signed: S. L. Manker
Chairman—Carmen

Signed: Leo L. Hall
Chairman—Laborers

On August 5, 1943, the following document was signed:

Peoria, August 5, 1943

To Whom It May Concern—

In conference today in regard to Mr. D. A. Dorey, Jr., returning as Laborer from Coach Cleaner, it was agreeable with undersigned that

As you know about the Janes boys' case of them going into the Army.

Sincerely yours,

Signed: L. L. Hall
Chairman—Laborers.

P. S. I wish to remind you it has been ten months since Dorey started back as a laborer. No protest being made until now.

POSITION OF EMPLOYEES: The records show that Dayton A. Dorey worked as coach cleaner from June 10, 1942, to June 15, 1943. On August 28, 1942, Mr. Dorey signed the following statement:

Peoria—Aug. 28, 1942

Mr. O. H. Sommerfeld—

I wish to continue as coach cleaner with my seniority date effective June 10, 1942 and forfeit my seniority as a laborer.

Signed: Dayton Dorey, Jr.

The foregoing is agreeable to us

Signed: S. L. Manker
CHAIRMAN—Carmen

Signed: Leo L. Hall
CHAIRMAN—Laborers

In view of the above statement, it is the position of the employes that Mr. Dorey, having waived, in writing, his laborers' seniority to establish a coach cleaning date as of June 10, 1942, in the carmen craft, he would have forfeited his original laborers' date of February 1, 1939, and in view of his transfer back from coach cleaner to laborer on June 17, 1943, his laborers' date would be as of June 17, 1943.

POSITION OF CARRIER: It is the position of the carrier that the evidence as quoted in joint statement of facts clearly indicates that Mr. Dorey was misguided by Local Chairman Hall (Hall's letter of August 25, 1943) in giving up his laborer's seniority on August 28, 1942; that the other laborers involved at Peoria originally concurred in the action of permitting Mr. Dorey to retain his original laborer's date of February 1, 1939, and that the local chairman and carrier's representative agreed thereto, and we respectfully request your Board to render an award permitting Mr. Dayton A. Dorey to retain his original laborer's seniority date of February 1, 1939.

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 waived right of appearance at hearing thereon.

The evidence of record does not, in the circumstances of this proceeding, justify disturbing the seniority date of Laborer Dayton A. Dorey, Jr.

AWARD

Claim of employes denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 19th day of October, 1944.