

Award No. 1348

Docket No. 1285

2-KCS-CM-'49

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 3, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Carmen)**

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1—That under the current agreement Carmen M. E. Hughes and O. A. Warren, Jr., were unjustly suspended from the service, effective January 3, 1949, for a period of five (5) days.

2—That accordingly the carrier be ordered to compensate these employes for all of said time lost and clear their service records of the aforementioned unjust discipline.

EMPLOYEES' STATEMENT OF FACTS: M. E. Hughes, hereinafter referred to as one of the claimants, has been regularly employed by the carrier at Shreveport, Louisiana, as a carman since September 15, 1947, and his regular assignment of hours on the repair track on January 3, 1949, were from 7:30 A. M. to 4 P. M.

O. A. Warren, Jr., hereinafter referred to as the other claimant, has been regularly employed by the carrier at Shreveport, Louisiana, as a Carman since March 17, 1941, and his regular assignment of hours as a Car Inspector, on January 3, 1949, were from 3 P. M. to 11 P. M.

At 1:30 P. M., on December 21, 1948, an investigation was held in the office of the general car foreman at Shreveport, Louisiana, in connection with an accident to Train X-55, on November 30, 1948, at Florien, a distance of 80 miles south of Shreveport, allegedly caused by a draft key losing out of coupler in PRR 750809, and a copy of said investigation or hearing record is submitted, identified as Exhibit A.

Effective January 3, 1949, these claimants were suspended from service for five (5) days for failure to find draft key retained missing on PRR 750809, which is confirmed by the copy of general car foreman's letter submitted, dated December 27, 1948, addressed to the claimants, identified as Exhibit B.

The decision of General Car Foreman Sturges, which he declined to reverse, as requested by the local committee, has been appealed on the basis of the copy of statement submitted, dated January 8, 1949, identified as Exhibit C, to the assistant superintendent of machinery, on January 8, to the superintendent of machinery on January 18; and to the vice

Blue print drawing of the various draft gear parts involved is submitted showing—

Exhibit A—Draft gear key both top and side views;

Exhibit B—Retainer, top and side views;

Exhibit C—Cotter key;

Exhibit D—Farlow draft gear assembly, top view;

Exhibit E—Farlow draft gear—side view, with break patch and bolts shown in red.

Yellow lines indicate position of draft gear key, retainer and cotter key in assembly.

Exhibit F—Is photostat copy of inspection report of Write-up man Bowman.

Exhibit G—Is copy of transcript of the investigation referred to.

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 is not sufficient to justify the carrier's action; thus the claimants should be compensated for the period of their suspension and their records cleared accordingly.

AWARD

Claim disposed of in accordance with the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 1st day of December, 1949.