

Award No. 1768
Docket No. 1680
2-PULL-EW-'54

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Edward F. Carter when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement, Electrician J. Sparkman, considers that he was unjustly treated when suspended from service for five work days during the period from January 5 to 12, 1953 and his record card noted accordingly.

2. That accordingly the Carrier be ordered to compensate him for the wage loss suffered by him during the period of January 5 to 12, 1953.

3. That accordingly the Carrier be ordered to remove the notation from his record card.

EMPLOYEES' STATEMENT OF FACTS: Electrician J. Sparkman, hereinafter referred to as the claimant, was employed by The Pullman Company as an electrician at the Chicago Central District on November 16, 1937 and has been in their service ever since.

Under date of November 28, 1952, the claimant was notified to appear for a hearing at 10:20 A.M. December 3, 1952. A copy of said notification appears in the hearing record, Pages 1 and 2, identified as Exhibit A.

Hearing was conducted on December 3, 1952 by A. W. Johnson, foreman, Chicago Central District. A copy of the hearing record is hereby submitted and identified as Exhibit A.

On January 2, 1953, A. W. Johnson, foreman, Chicago Central District, notified the claimant that he would be suspended from service for five work days during the period of January 5, 1953 to January 9, 1953. A copy of this notification is hereby submitted and identified as Exhibit B.

On March 11, 1953 we appealed this decision of Mr. A. W. Johnson. A copy of this appeal is hereby submitted and identified as Exhibit C.

On March 30, 1953, Mr. Dodds, appeals officer, The Pullman Company, denied this appeal. A copy of this denial is hereby submitted and identified as Exhibit D.

The Pullman Company has shown, moreover, that as a result of Electrician Sparkman's negligent performance of duty the safety bracket fell off car HENRY HUDSON BRIDGE, causing damage to that car and necessitating its removal from service. Further, the company has shown that the discipline assessed Electrician Sparkman was reasonable and just in light of the infraction.

For these reasons, the company maintains that the organization's claim in behalf of Electrician Sparkman is without merit and should be denied.

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.

This is a companion case to that set out in (Docket 1679), Award 1767. The claims and right of Electrician J. Sparkman in this case are identical with those of Electrician J. Chodelka in that award. The result must necessarily be the same. For the reasons set out in Award 1767, the claim in this case will be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of May, 1954.