

**Award No. 2489**  
**Docket No. 2274**  
**2-CRI&P-MA-'57**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

**The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when the award was rendered.**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'**  
**DEPARTMENT, A. F. of L. (Machinists)**

**CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD**  
**COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:** That at Silvis, Illinois, machinist C. J. Spriet, R. N. Smith, F. A. Ziegler, T. S. Cline, A. L. Goochee, C. E. Nichols, H. W. Hanson, V. E. Hoy, G. L. Ehlers, O. A. Sonenberg, H. L. Phillips, J. A. Klock, L. J. DeDecker, P. J. O'Neill and S. B. Cooksey have been deprived of their service rights during the period November 20, 1954 to November 24, 1954, inclusive, and that accordingly they are each entitled to be paid five (5) days' pay during the above period.

**EMPLOYEES' STATEMENT OF FACTS:** Effective with the close of the shift on November 19, 1954 the force of machinists employed in the Carrier's shops at Silvis, Illinois was reduced, and in lieu of properly laying off the junior machinists named below with their seniority roster dates identified after their name—

<b>Junior Machinists</b>	<b>Seniority Date</b>
D. L. Vallejo	April 2, 1952
N. L. Vallejo	April 3, 1952
C. J. Thillen	April 22, 1952
T. B. Koeppele	October 9, 1952
A. E. Lane	April 2, 1953
H. J. Wratten	June 17, 1953
C. P. Richards	Sept. 8, 1953
T. J. Vavrock	Oct. 12 1953
G. E. Madison	Oct. 12 1953
C. O. Stuhlman	Oct. 12 1953
H. P. Kitterington	Oct. 12 1953
B. D. Richardson	Nov. 18, 1953
J. J. Davidson	Feb. 6, 1954
H. V. Wilson	Feb. 10, 1954
J. C. Kelly	Feb. 24, 1954

both parties have now mutually agreed as to procedure in such circumstance.

We respectfully request, under the circumstances, declination of the 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 this dispute were given due notice of hearing thereon.

The uncontradicted facts presented here show conclusively that on claim dates senior employes were laid off while their juniors worked. After conferences "Notices were immediately sent to the senior man to return to work." Later, a Memorandum of Understanding, to obviate further misunderstandings, was agreed to by the parties which did not dispose of the claims of those involved in what the carrier termed "a technical violation \* \* \* result of confusion."

Claimants have established proof of the rule violation and are entitled to be paid.

#### AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois this 11th day of June, 1957.