

Award No. 3215
Docket No. 3052
2-PULLEW-'59

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

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

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement The Pullman Company unjustly withheld Electrician C. P. Mauney from service during the period of October 15 to October 22, 1957, and assessed his record with a notation to this effect.
2. That accordingly The Pullman Company be ordered to compensate Electrician C. P. Mauney for his loss of compensation during this period.
3. That accordingly The Pullman Company be ordered to remove this notation from his service record.

EMPLOYEES' STATEMENT OF FACTS: Electrician C. P. Mauney, hereinafter referred to as the claimant, was employed by The Pullman Company as an electrician at the Fort Worth District on December 5, 1924, and has been in their service ever since.

Under date of August 30, 1957, the claimant was notified to appear for a hearing at 3:15 P. M. September 10, 1957. The hearing was rescheduled for September 17, 1957; a copy of this hearing record is submitted and shown as Exhibit A.

Under date of October 11 and 14, 1957, Superintendent Weinbrenner, Fort Worth District, notified the claimant that he would be withheld from service for five work days and his service record assessed with a notation; a copy of these letters are submitted and shown as Exhibit B.

CONCLUSION

In this ex parte submission the company has shown that on August 12, 1957, Electrician Mauney acted in a defiant and disrespectful manner toward Foreman Hill, engaged in arguments with fellow employes, and interfered with the work routine of yard employes. Also, the company has shown that awards of the National Railroad Adjustment Board support management in this dispute.

The organization's claim that the company improperly disciplined Electrician Mauney with a 5 work-day suspension from service 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.

Parties to said dispute were given due notice of hearing thereon.

The record before us in this docket discloses a fair impartial hearing as required by the rule. The penalty assessed is not unduly harsh. Under such circumstances the claimant has failed to prove any rule violation affording this division an area in which to express the requested conclusion.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1959.