

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE PULLMAN COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood:

1. That the Carrier violated the rules of the current clerks' Agreement, effective January 1, 1953, when, on May 14, 1954, it arbitrarily removed Mr. E. L. Peterson from his position of Traveling Auditor without benefit of hearing.

2. That Claimant E. L. Peterson be returned to his position of Traveling Auditor and that he be compensated at the rate of said position until such time as he is removed therefrom pursuant to and by authority of applicable rules of the Agreement.

3. That all other employees involved or affected by Carrier's action be returned to their former positions and compensated for all loss sustained.

OPINION OF BOARD: The record in this case shows that the Claimant herein was removed from his position of Traveling Auditor because of his "inability to perform the duties of the position", and that thereupon Claimant was permitted to exercise his displacement rights under Rule 19.

The position of Traveling Auditor is a so-called P. A. D. O. position i. e., one not subject to the Promotion, Assignments, Displacements and Overtime Rules.

There is no question before this Division involving Claimant's qualifications or lack thereof. The sole question for determination is whether the Agreement was violated in removing Claimant from his position after expiration of thirty days without granting him a hearing in advance of removal.

Petitioner cites Rule 17 in support of this Claim. There is a conflict between the parties concerning the application of this Rule to P. A. D. O. Positions. However, the Carrier is agreeable to grant hearings in the future

when requested by incumbents of such positions who are disqualified and removed therefrom after thirty days. Based on the record in this case we conclude that the issue involved herein should be disposed of on that basis.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim should be disposed of in accordance with Opinion.

AWARD

Claim sustained to extent indicated in Opinion and Findings; in all other respects denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

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