

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

PARTIES TO DISPUTE:

THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY
THE ORDER OF RAILROAD TELEGRAPHERS

DISPUTE.—Claim of Telegrapher John L. McGrath for reinstatement to position of Telegrapher in the joint service of the carriers, Union Station, Oklahoma City, Oklahoma, and reimbursement of wage loss sustained during the period that he shall have been denied assignment thereto.

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carriers and the employees involved in this dispute are respectively carriers and employee 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.

Complainant employee was in the exclusive telegraph service of the Rock Island from July 12, 1912, until December 1930 as of which latter date he acquired assignment, by virtue of seniority, to a joint Frisco-Rock Island telegraph position in the Union Station, Oklahoma City, Oklahoma.

Mr. McGrath was charged by the St. Louis-San Francisco Railway Company with unsatisfactory service on stated dates and as of August 31, 1932, at request of Frisco Operating Company was removed from said joint position and has since been employed in exclusive Rock Island telegraph service.

This same dispute was considered by the Telegraphers' Board of Adjustment-Rock Island Lines, which Board, under date of September 1, 1933, adopted a resolution as follows:

"Resolution as adopted in Board meeting September 1, 1933, in connection with Docket No. 23, removal of John L. McGrath, Telegrapher, Union Station, Oklahoma City, from service upon request of the St. Louis-San Francisco Railway Company, account alleged irregularities:

"The Board recognizes it has no jurisdiction over the Frisco Railroad. However, it appears to the Board that there were extenuating circumstances connected with this case and in view of this man's long and apparently satisfactory service, with the exceptions complained of by the Frisco, we recommend that the Rock Island management use their good influence with the Frisco and endeavor to have Mr. McGrath reinstated on the position and given another trial, without prejudice or compensation for loss of time."

"(Signed) G. D. Hood, *Chairman.*"

The Third Division further finds that the recommendation of the System Board of Adjustment per finding next above, merits adoption by the carriers party to this dispute.

AWARD

The carriers parties to this dispute shall make effective the recommendation of the said System Board of Adjustment unless Mr. McGrath shall waive acceptance on his part by written notice, given within 30 days from the date of this Award.

By Order of Third Division:

Attest:

NATIONAL RAILROAD ADJUSTMENT BOARD.

H. A. JOHNSON,
Secretary.

Dated at Chicago, this 25th day of January 1935.