

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank Elkouri, Referee

PARTIES TO DISPUTE:

ORDER OF RAILWAY CONDUCTORS, PULLMAN SYSTEM

THE PULLMAN COMPANY

STATEMENT OF CLAIM: The Order of Railway Conductors, Pullman System, claims for and in behalf of Conductor M. T. Cooper, Los Angeles District, that The Pullman Company violated Rule 49 of the Agreement between The Pullman Company and its Conductors, when:

1. Under date of November 5, 1951 Superintendent C. M. Fitzgerald discharged Conductor M. T. Cooper from the service of The Pullman Company without a hearing as provided in Rule 49.

2. We now ask that Conductor Cooper be returned to service with all rights, including vacation rights, unimpaired, and that he be credited and paid for all time lost, as provided in Memorandum of Understanding Concerning Compensation for Wage Loss shown on page 85 of the Agreement.

OPINION OF BOARD: It is not disputed that Claimant occupied a supervisory position and that he could be discharged from that position, or otherwise disciplined, without resort to the Conductors' Agreement. The question for decision is whether his seniority rights under the latter Agreement can be destroyed without an investigation provided for in that Agreement. We do not think so.

Accordingly, Claimant's restoration to the Carrier's service with seniority rights unimpaired within ten days of the date of the adoption of this Award is directed. However, in view of Claimant's admission of guilt which is not denied in the record, claim for pay for all time lost is denied.

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 Carrier violated the Agreement.

AWARD

Claim disposed of in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 7th day of July, 1953.