

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

LeRoy A. Rader, Referee

PARTIES TO DISPUTE:

AMERICAN TRAIN DISPATCHERS ASSOCIATION

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the American Train Dispatchers Association that:

(1) The Chicago, Burlington & Quincy Railroad Company (hereinafter referred to as "the Carrier"), violated Rule 21 of the existing Agreement when it demoted Carl W. Thurow from his regular position as Assistant Chief Dispatcher in the Aurora, Illinois office to the status of telegrapher and placed an entry of censure against his personal record, dated January 14, 1954, all as a result of improper and unsustained charges, and without according Claimant with fair and impartial hearing required by Rule 21.

(2) Carl W. Thurow shall be reinstated to position of Assistant Chief Dispatcher with all rights under the Agreement unimpaired.

(3) Claimant Carl W. Thurow shall be compensated for all wage loss sustained as a result of Carrier's improper and unwarranted action and that his personal record be cleared of the aforesaid entry of censure.

OPINION OF BOARD: A review of the procedural background of this dispute in the matter of notice and on the attendance of witnesses reveals that no new situation exists herein which has not been before this Division of the Board on numerous occasions on similar fact situations as applied to like rules.

In accordance therewith we deem there has been a sufficient compliance with the controlling rules of this Agreement, and in connection with such holding, we desire to call attention to Awards 3498, 4976 and 6067 on attendance of witnesses; likewise Awards 4239, 5026 and 6590 as to sufficiency of the charge stated; also see Award 6590, cited, as to synonymity of the words "investigations" and "hearings" for the purposes of collective bargaining agreements of this type.

On the merits of this controversy, the facts and circumstances of record do not warrant any change in the disciplinary action taken.

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 26th day of May, 1955.