

Award No. 8811  
Docket No. CL-8310

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Norris C. Bakke, Referee

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**PARTIES TO DISPUTE:**

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

**THE NORTHERN PACIFIC TERMINAL COMPANY OF OREGON**

**STATEMENT OF CLAIM:** Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that

(1) The Agreement governing the hours of service and working conditions between the parties was violated by the Carrier in the treatment accorded Mr. J. P. Costello, when it removed him from his regularly assigned position of Boardman-Clerk Job No. 459 without just cause.

(2) Mr. J. P. Costello shall now be restored to his regular assigned position and be compensated at the pro rata rate of \$15.64 per day for each day since August 5, 1954 and up until such time as the violation is corrected.

**OPINION OF AWARD:** As appears in Award No. 8810 announced herewith, the instant case is companionate to that covered by that award.

To indicate that the award here should be the same as that reached in Award No. 8810 it is only necessary to quote from the Employees' Rebuttal Brief as follows:

"\* \* \* The Employees do not contend that the investigation was conducted in an unfair and improper manner, but an investigation is not complete until a decision has been rendered and when that decision is not rendered by the examining officer, but, as in the instant case, by the highest official of the Carrier to whom Claimant has a contractual right of appeal, the Employees do contend the investigation was improper and the Agreement was violated."

From this it is apparent that the only real complaint is that Claimant's right of appeal was violated.

Concededly we have the same technical violation we had in Award No. 8810 and we reach the same conclusion as we did there and hereby make the same findings and award.

**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 Carrier violated the Agreement as indicated in Opinion.

#### AWARD

Claim sustained as indicated in Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon  
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of April, 1959.