

AWARD NO. 107  
CASE NO. None  
(BU-4797-33)

SPECIAL BOARD OF ADJUSTMENT NO. 355

Parties: The Order of Railroad Telegraphers  
The Baltimore and Ohio Railroad Company

AWARD IN DOCKET NO. 107

STATEMENT OF CLAIM:

Claim of the General Committee of The Order of Railroad Telegraphers on the Baltimore and Ohio Railroad that:

1. Carrier violated the agreement between the parties hereto when on November 26, 1956, it served notice on Operator J. J. Woodburn for hearing on November 28 without being specific in the charges. Further, when witnesses were requested on November 28, 1956, the hearing was postponed until December 3, 1956, but the employees requested as witnesses were not produced by the Carrier.
2. Carrier shall compensate Operator J. J. Woodburn for all loss of time from November 26, 1956 until he is reinstated and placed on his position.

FINDINGS:

The Organization is asking here that Carrier's disciplinary action against Operator Woodburn be set aside because Carrier (a) was not "specific in the charges," and (b) the employees requested as witnesses by the Organization "were not produced by the Carrier."

It should be noted that the Claimant, upon completion of investigation by the Carrier, admitted (a) he had been "given opportunity to question witnesses and others who gave testimony"; and (b) that the hearing was "fair and has been impartial."

The Organization bases its appeal on two points.

The first is that Claimant was disciplined by the Carrier "without being specific in the charges."

The written notice sent by the Carrier to Claimant was "for hearing on the following matter: Actions at FY Tower on Friday, November 23rd, 1956."

After reading the transcript of the hearing on all that transpired on November 23, we feel quite certain that the Claimant knew very well three or four days later what Carrier meant by "actions at FY Tower on Friday, November 23rd, 1956."

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The second point of Organization's appeal is based on its claim that "the employees requested as witnesses (by the Organization) were not produced by the Carrier."

The Carrier has no obligation to produce witnesses for the Organization. That is the Organization's sole responsibility.

If, however, the Carrier should refuse to release employees who are secured as witnesses for the Organization, the Carrier would be in error. This is neither charged nor shown here.

A W A R D

Claim denied.

s/ EDWARD A. LYNCH  
Edward A. Lynch, Chairman

DISSENTING  
R. K. Anthis  
Employee Member

s/ T. S. WOODS  
T. S. Woods  
Carrier Member

Dated at Baltimore, Maryland  
this 16th day of April, 1963.