SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers
Express and Station Employes.

and

The Pennsylvania Railroad Company

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Clerks' Rules Agreement, effective
May 1, 1942, except as amended, particularly Rule 2-A-3, when
it disqualified E. W. Harshaw, relief employe, Supervisor of
Building", Pennsylvania Station, Pittsburgh, Pennsylvania,
from position Symbol No. JJ-4001, effective September 29, 1956.

(b) E. W. Harshaw be compensated for all monetary loss sus-
tained beginning October 2, 1956, and until adjusted." (Docket 270)

FINDINGS:

Carrier's defense of improper handling of this claim is not well
taken. Claimant was disqualified from relief position JJ-4001. The parties
agree that position was under Supervisor of Buildings R. G. Davis, to whom
claimant addressed his appeal. He acted properly.

The facts are the claimant posted on this job for one week, and on
July 17, 1956 he exercised his seniority on the position. Three of his 5 days
were as assistant janitor, the fourth as watchman and on one day of the five,
he operated the elevator. On September 29 Carrier disqualified him, based
upon an alleged complaint against him while operating the elevator. The
identity of the person who complained is, to say the least, obscure. Organ-
ization alleges it to have been a Carrier vice president. Carrier offers,
in affidavit from, statements from two foremen and a clerk in the public re-
lations office who support Carrier's position that Claimant was not a good
elevator operator. These affidavits were made $2\frac{1}{2}$ years after Claimant's dis-
qualification.

The entire record leaves us with a doubt which we will resolve in
Claimant's favor. Under the circumstances, we believe the Carrier's action
was unreasonable.

AWARD:

Claim sustained.

Signed this 12th day of December 1961.

/s/ Edward A. Lynch
E. A. Lynch, Chairman