

SPECIAL BOARD OF ADJUSTMENT NO. 171

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

vs

GREAT NORTHERN RAILWAY COMPANY

STATEMENT OF CLAIM

Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that the Carrier violated the current agreement,

1. When on May 6, 1956 the Carrier suspended one Walter J. Thompson for a period of fifteen days for alleged responsibility in connection with having submitted excessive automobile mileage on Expense Form 255 for the month of March, 1956.

2. That the Carrier now be required to compensate said Walter J. Thompson, Assistant Chief Clerk, Yard Office, Great Falls, Montana in full for the fifteen days that he was suspended illegally.

FINDINGS: This Special Board of Adjustment upon the whole record and all the evidence, finds that:

The claimant received a notice from the Carrier dated April 3, 1956 stating that the claimant was notified to report to the Trainmaster's Office Great Falls, Montana, at 2:00 p.m., Thursday, April 5, 1956, for formal investigation to develop facts and place responsibility relative to claimant's apparent falsification of his automobile expense account for the month of March, 1956.

On the same date the Carrier wrote claimant "Investigation postponed until 2:00 p.m., Wednesday, April 18, 1956, at Trainmaster's Office, Great Falls, Montana."

Claimant states that the Carrier violated Rule 56(a) in that it did not hold an investigation within seven (7) days of the date when the claimant was charged with an offense.

The Carrier states that under Rule 56(a) it had the right to a reasonable postponement of this hearing when it was unable to secure the presence of witnesses who were not immediately available.

The Board finds from a careful reading of Rule 56(a) that the investigation must be held within seven (7) days of the date when an employee is charged with an offense or held from service. Also, that when it becomes necessary to secure the presence of witnesses or representatives not immediately available, a reasonable postponement may be had at the request of either the Carrier or employee.

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The Carrier's letter dated April 3, 1956, setting the date of the hearing as of April 5, 1956 at 2:00 p.m., conformed with Rule 56(a) as the hearing was scheduled within seven (7) days of the notice of April 3, 1956. However, the Carrier's second letter on April 3, 1956 stated "My Q-359 date, investigation postponed until 2:00 p.m., Wednesday, April 18, 1956, at Trainmaster's Office, Great Falls, Montana." This letter is not a request for a reasonable postponement, but is a statement that the hearing will be heard on the 18th of April, 1956 rather than the 5th of April, 1956. April 18, 1956, being more than seven (7) days from April 3, 1956, the date the employee was charged with an offense, the Carrier violated Rule 56(a) of the Effective Agreement. Therefore, this claim must be sustained.

A W A R D

Claim sustained.

/s/ Thomas C. Begley
Thomas C. Begley, Chairman

/s/ C. A. Pearson
C. A. Pearson, Carrier Member

/s/ C. C. Denewith
C. C. Denewith, Employee Member

Signed at St. Paul, Minnesota this 10th day of December, 1958.