

SPECIAL BOARD OF ADJUSTMENT NO. 374

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

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 sustained 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. Organization alleges it to have been a Carrier vice president. Carrier offers, in affidavit from, statements from two foremen and a clerk in the public relations 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 disqualification.

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