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# **Dixie Federation**

JOINT PROTECTIVE BOARD

**Brotherhood of Maintenance of Way Employees**

*Affiliated with the American Federation of Labor and Trades and Labor Congress of Canada*



Phone 255-6664  
Area Code 615

Office Address:  
Room 210, 109 3rd Ave. No.  
Nashville, Tennessee 37201

July 14, 1969

1-16

Mr. Gaston Large  
New Castle, Alabama 35110

Dear Sir and Brother:

I furnished you copy of my letter of August 17, 1967 to Mr. John J. Berta, file 1-16, which was self-explanatory.

I am now furnishing you copy of Award No. 92, Case No. MW-19-SE, which is self-explanatory, sustaining your claim. I am also furnishing you copy of Mr. W. H. Stringer's letter of July 1, 1969 to Mr. N. H. Stier, advising him that this claim will be paid and for him to advise the payroll period on which this payment will be shown in full settlement of this claim.

Please advise me when you receive payment of this claim so that I may close my file.

Fraternally yours,

JACK BENSON  
General Chairman

JB/pw

cc: Mr. H. C. Crotty  
Mr. John J. Berta  
Mr. R. R. Painter

LOUISVILLE & NASHVILLE RAILROAD COMPANY

OFFICE OF ~~Division Engineer~~ AT ~~Birmingham, Alabama~~ ~~July 1, 1969~~

SUBJECT

OUR FILE

1007

JUL 3 - 1969

Mr. W.H. Stier:

Please refer to your copy of memorandum addressed to me by the Chief Engineer under date June 19, 1969, his file 21500-101-ED, advising that the claim of Gaston Large, Identification #64759, had been settled on appeal to the Special Board of Adjustment #605 and under its Award #92 he is to be reimbursed for earnings lost including holiday pay from May 1, 1967 until he was restored to service.

This man lost a total of 25 days of eight hours each, or a total of 200 hours, from May 1, 1967 to June 6, 1967, at which time he returned to work. Will you kindly arrange to payroll Gaston Large, Identification #64759, for 200 hours at \$2.5565 per hour, and advise the payroll period on which this payment will be shown in full settlement of this claim.

W.H. Stringer

PLL/CTB

Cy - Mr. J.B. Clark  
Mr. W.S. Scholl  
Mr. Jack Benson, Gen. Chairman, NofWE

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES ) Louisville & Nashville Railroad Company  
TO THE ) and  
DISPUTE ) Brotherhood of Maintenance of Way Employees

QUESTIONS  
AT ISSUE:

- (1) Were the displacement rights of Gaston Large, an unprotected employee, nullified and ineffective because the junior employee whom he sought to displace (Arthur B. McKee) was a protected employee?
- (2) Should Claimant Gaston Large be reimbursed for the earnings lost, including holiday pay, from May 1, 1967 until he was restored to service?

OPINION

OF BOARD: As in Award No. 91 (Case No. MW-9-SE) Carrier's defense is that the junior protected employee had been given a "make work" position. The award is the same as in that case.

A W A R D

The answer to Question (1) is "No."  
The answer to Question (2) is "Yes."



Milton Friedman  
Neutral Member

Dated: Washington, D.C.  
June 10, 1969

JUN 25 1969  
472-B  
11-28

LOUISVILLE & NASHVILLE RAILROAD COMPANY

OFFICE OF Division Engineer AT Birmingham, Alabama June 24, 1969

SUBJECT

OUR FILE 1007

Mr. W.H. Stier:

Please refer to your copy of memorandum addressed to me by Chief Engineer J.B. Clark under date of June 19, 1969, his file 21500-103 BD, advising that the claim of J.C. Mitchell that he be paid at the straight time rate from April 17 through April 21, 1967, and from May 16 through June 2, 1967, including the holiday of May 30, was appealed to Special Board of Adjustment #605, and that the claim must now be paid.

Will you kindly arrange to payroll Mr. J.C. Mitchell, Identification #64186, for 152 hours at straight time rate of pay on Laborer's rate, and advise the payroll period on which this payment will be made.

W.H. Stringer

PLL/CTB

Cy - Mr. J.B. Clark  
Mr. W.S. Scholl  
Mr. Jack Benson