

Award No. 461  
UTU-T No. 1600-1968  
EL No. 9416

SPECIAL BOARD OF ADJUSTMENT NO. 248

PARTIES TO DISPUTE:

United Transportation Union - T  
Erie Lackawanna Railway Company

STATEMENT OF CLAIM:

"Claim of Scranton Division, Syracuse District Conductor F. Farwell and Trainman J. Kanavy to have the discipline assessed on March 10, 1970 to their personal record removed as per carrier's notice PR No. 321982 and signed by Supt. A.G. Dustin on account of investigation held on February 27, 1970 at Syracuse, N.Y., for alleged violation of Rules 104, 104(c) and 861, Rules of Operating Department, effective October 25, 1964. This claim on account of violation of Investigation Rule, page 3, of Mediation Agreement, Paragraph 4, 'Investigation Procedure,' Item (E)."

FINDINGS:

The Board, upon the whole record and all the evidence, finds that: The Carrier or Carriers and the Employee or Employees involved in this dispute are, respectively, Carrier and Employee within the meaning of the Railway Labor Act as approved June 21, 1934. The Board has jurisdiction over the dispute involved herein. The Parties to said dispute were given due notice of hearing thereon.

The record compels the finding that Carrier failed to comply with the obligation imposed upon it by Item (E), Paragraph (4)(B), "Investigation Procedure" to furnish Employees or their duly-accredited representative with a copy of the investigation transcript within 15 days. The Board cannot accept Carrier's limited interpretation of the meaning of Item (E), Paragraph (4)(B) but finds that Carrier's failure to furnish Claimant's representative with a copy of the transcript within the time prescribed therein entitled Claimants to the relief sought in their Statement of Claim. Support for this conclusion is found in Award #86 of S.B.A. 727 between the instant Parties.

AWARD: Claim sustained.

ORDER: Carrier is ordered to comply with this Award within 30 days of the date thereof.

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/s/ David L. Kabaker

David L. Kabaker, Neutral Member

/s/ G. H. Zimmerman - DISSENT  
C. H. Zimmerman, Carrier Member

/s/ Griff Davis  
Griff Davis, Employee Member

Dated at Hoboken, New Jersey,  
this 18th day of October, 1971.