

Award No. 516
UTU-T No. 1766-1968-2
EL No. 9936

SPECIAL BOARD OF ADJUSTMENT NO. 248

PARTIES TO DISPUTE:

United Transportation Union - T
Erie Lackawanna Railway Company

STATEMENT OF CLAIM:

"Reprimand assessed Conductor C. W. Schadt in your letter dated May 3, 1971, and earnings of 1901-1902 (212.5 road miles at the six-day yard rate and 30.2 miles at the five-day yard rate for Oswego Yard switching) when required to attend an investigation April 27, 1971."

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 evidence before the Board reveals that the Carrier failed to comply with the Investigation Rule of the Mediation Agreement in that it did not furnish the Claimant with a copy of the transcript of the investigation. Support for the conclusion, that the claim must be sustained, is found in Award No. 461 of this Board.

AWARD: Claim sustained.

ORDER: Carrier is ordered to comply with this Award within thirty (30) days of the date hereof.

SPECIAL BOARD OF ADJUSTMENT NO. 248

/s/ David L. Kabaker

David L. Kabaker, Neutral Member

/s/ C. H. Zimmerman

C. H. Zimmerman, Carrier Member

/s/ Griff Davis

Griff Davis, Employees Member

Dated at Cleveland, Ohio,
this 14th day of September, 1972.