

American Train Dispatchers Association

NATIONAL HEADQUARTERS
10 EAST HURON STREET
CHICAGO, ILLINOIS 60611

C. R. PFENNING
PRESIDENT

August 11, 1970

Mr. C.L. Dellums, International President
Brotherhood of Sleeping Car Porters
1716-18 7th Street
Oakland, California - 94607

SUBJECT: NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division - B-of-SCP

Dear Brother Dellums:

This in reference to your letter of August 4, 1970 wherein you advise of the withdrawal of your organization from participation in the Third Division, N.R.A.B.

We are most sorry to learn that conditions force this move and we sincerely hope the trend will change.

Fraternally yours,

Charles R. Pfennig
President

- cc: Mr. C.J. Chamberlain [2]
- Mr. H.C. Crotty
- Mr. C.L. Dennis
- Mr. E.S. Miller
- Mr. W.H. Bowe
- Mr. J. Taylor Scoop

cc all Bd
cc Smith

August 11, 1970

Mr. C.L. Bellows, International President
Brotherhood of Sleeping Car Porters
1718-12 75th Street
Oakland, California - 94607

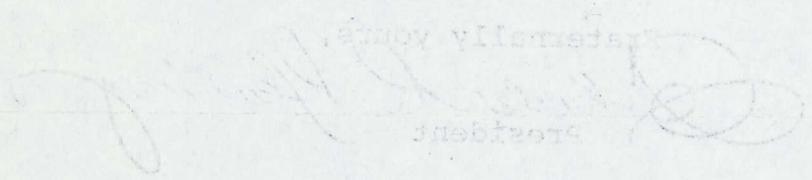
SUBJECT: NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division - F-67-2CP

Dear Brother Bellows:

This in reference to your letter of August 4, 1970
which you advise of the withdrawal of your organization
from participation in the Third Division, N.R.A.B.

We are most sorry to learn that conditions force
this move and we sincerely hope the trend will change.

Sincerely yours,



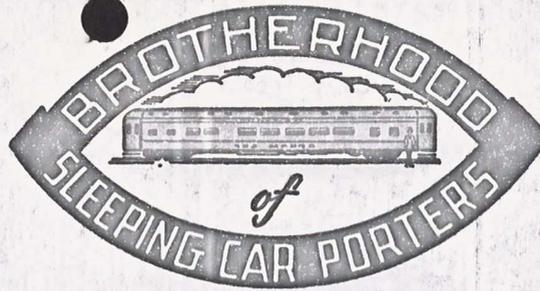
President

cc: Mr. G.J. Chamberlain [31]
Mr. H.C. Grotty
Mr. C.L. Bellows
Mr. E.S. Miller
Mr. W.E. Howe
Mr. J. Taylor 800P

A. PHILIP RANDOLPH
International President

BENNIE SMITH
1st International Vice-President
1308 Broadway, Room 305
Detroit, Michigan 48226

C. L. DELLUMS
2nd International Vice-President
1716-18 Seventh Street
Oakland, California 94607



Train, Chair Car, Coach Porters and Attendants
AN INTERNATIONAL UNION
Affiliated with the AFL-CIO/CLC

WILLIAM H. BOWE
International Secretary-Treasurer

T. D. McNEAL
3rd International Vice-President
Gateway National Bank Building
3412 North Union Boulevard
St. Louis, Missouri 63115

B. F. McLAURIN
Eastern Zone Supervisor
217 West 125th Street
New York, N. Y. 10027

PACIFIC COAST HEADQUARTERS

1716-18 SEVENTH STREET

OAKLAND, CALIF. 94607

Tel. Twin Oaks 3-0894

August 4, 1970

Mr. Paul T. Drummond, Secretary-Treasurer
Brotherhood of Railroad Signalmen

Mr. C. J. Chamberlain, President
Brotherhood of Railroad Signalmen

Mr. C. R. Pfenning, President
American Train Dispatchers Association

Mr. H. C. Crotty, President
Brotherhood of Maintenance of Way Employes

Mr. C. L. Dennis, Grand President : Mr. E. S. Miller, General President
Brotherhood of Railway Clerks : Hotel & Restaurant Emp.&Bart.Int'l, U

Dear Sirs and Brothers:

At a regular meeting of our Brotherhood's International Executive Board, which was held in Chicago on Thursday, July 30, 1970, the Board directed me to notify you brothers, that regretfully we must withdraw from participating in the operation of the Third Division, National Railroad Adjustment Board. We sincerely hope that this withdrawal is temporary, because it is due solely to the financial condition of our organization. As you obviously know, the only members we have in our organization are employed on passenger trains, and every time a railroad takes off a sleeping car or an entire train, like the California Zephyr, we lose members. While I was in Chicago last week, the Interstate Commerce Commission gave the Southern Pacific permission to reduce the one train they had going to Portland, the Cascade, to three days a week, which took fifty percent of our men working on that train off their jobs. And, I think its obvious that we haven't reached the bottom yet, and therefore we are struggling now to maintain our organization as an independent organization.

Let me assure you, that if at any time we can return to participation

Mr. Paul T. Drummond
August 5, 1970
Page Two

in the operation of the Third Division, National Railroad Adjustment
Board, we shall be more than happy to do so.

Fraternally yours,

C. L. Dellums
International President

CLD:cr

CC : Mr. Donald S. Beatty
Mr. T. D. McNeel
Mr. W. H. Bowe



Grand Lodge Headquarters

Brotherhood of Railroad Signalmen



C. J. CHAMBERLAIN,
President

P. T. DRUMMOND
Secretary-Treasurer

M. B. FRYE
Vice-President

2247 W. LAWRENCE AVE.
CHICAGO, ILL. 60625

TELEPHONE
312-561-7355

January 27, 1970

Mr. E. S. Miller, General President
Hotel & Restaurant Emp. & Bart. Int'l U.
6 East 4th Street
Cincinnati, Ohio 45202

Subject: NRAB Joint Fund

Dear Sir and Brother:

On November 11, 1969, I wrote the Presidents of the Organizations that take disputes to the National Railroad Adjustment Board, Third Division, outlining the payment to be made to the NRAB Joint Fund. As you will recall, this is in accordance with the practice of years past.

To date we have not received your remittance which is the only payment holding up the allocation of the Joint Fund as per the agreement of the Chief Executives of the Organizations. I would greatly appreciate it if you will make your remittance to the undersigned so that I may handle the disbursements to the organizations involved.

With best wishes,

Fraternally yours,

Paul E. Drummond
Secretary-Treasurer

PTD:hk

cc: American Train Dispatchers Assn.
Brotherhood of Maintenance of Way Employes
Brotherhood of Railway Clerks
Brotherhood of Sleeping Car Porters ✓

October 1, 1971

Mr. George S. Ives, Chairman
National Mediation Board
1230 - 16th Street, N. W.
Washington, D. C. 20572

Dear Mr. Ives:

As you know, certain information has been supplied to railroad unions, particularly those whose cases go to the Third Division of the National Railroad Adjustment Board, concerning the rulings of Mr. J. Thomas Rimer, Jr. in Atlantis, Florida, while sitting with the Third Division as Referee. I have reviewed several of Mr. Rimer's decisions, and studying other general information that I have been supplied of his attitude and his performance. I have therefore concluded, that the investigation of this man clearly supports the position, that your board refrain from appointing Mr. Rimer to sit as a member of the Third Division or any other Division, or as a neutral member of any board established to decide disputes involving the Brotherhood of Sleeping Car Porters in particular, or any other union generally.

Yours very truly,

C. L. Dellums
International President

CLB: or
CC : Mr. David H. Stowe
Mr. Peter C. Benedict
Mr. Thomas A. Tracy

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AFFILIATED WITH THE A.F.L.-C.I.O. AND C.I.C.

GRAND LODGE

12050 WOODWARD AVE., DETROIT, MICHIGAN 48203

OFFICE OF
PRESIDENT



September 28, 1971

FILE 3323 - Third Division
Unfavorable Reference

Mr. George S. Ives, Member
National Mediation Board
1230 - 16th Street, N.W.
Washington, D.C. 20572

Dear Mr. Ives:

Under date of September 13, 1971, the Labor Members of the Third Division, National Railroad Adjustment Board, addressed a letter to all Chief Executives of Organizations served by that tribunal - a copy of which is enclosed - requesting that appropriate action be taken to preclude any further appointment or use of Mr. J. Thomas Rimer, Jr., Atlantis, Florida, to sit with the Third Division as Referee.

A review of Mr. Rimer's decisions and an investigation of his general performance and attitude during his assignment to the Third Division thoroughly convinces me that the criticisms and charges made by the Labor Members are valid. I am, therefore, compelled to concur in and support the position they have taken.

Consequently, I respectfully request that your Board refrain from appointing Mr. J. Thomas Rimer, Jr. to sit as Member of the Third Division, or as the Neutral Member of any Board established to decide disputes involving the Brotherhood of Maintenance of Way Employees.

Yours very truly,

President

Enclosure

cc: Mr. David H. Stowe)
Mr. Peter C. Benedict) - w/enclosure
Mr. Thomas A. Tracy)



Mr. George S. Ives

-2-

September 28, 1971

Mr. C. J. Chamberlain
Mr. C. L. Dellums
Mr. C. L. Dennis
Mr. A. R. Lowry
Mr. C. L. Luna
Mr. E. S. Miller
Mr. C. R. Pfennig
Mr. R. W. Smith
Mr. J. J. Berta
Mr. A. J. Cunningham
Mr. H. G. Harper
Mr. W. W. Altus, Jr.
Mr. G. P. Kasamis
Mr. J. C. Fletcher

Executive Office

684

American Train Dispatchers Association

National Headquarters

10 East Huron Street Chicago, Illinois 60611

PENNING
PRESIDENT

September 20, 1971

Mr. G. S. Ives (2)
Chairman
National Mediation Board
Washington, D.C. - 20572

RE: NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION -
(Referee Assignments)

Dear Sir:

This letter is addressed to you as a result of a formal complaint from the Labor Members, Third Division, National Railroad Adjustment Board, addressed to the Chief Executives of all Organizations submitting cases to that tribunal requesting action be taken to have Mr. J. Thomas Rimer, Jr., removed from the list of referees of the Third Division.

Mr. Rimer's performance as a "neutral" referee leaves me little choice but to support the objection taken by the Labor Members.

The American Train Dispatchers Association asks that immediate action be taken to remove Mr. Rimer as a referee to hear cases at the Third Division, National Railroad Adjustment Board.

Yours truly,

ORIG. SIGNED CHARLES R. PENNING

CRP:nc

President

cc: Mr. C. J. Chamberlain
Mr. H. C. Crotty
Mr. C. L. Dellums ✓
Mr. C. L. Dennis
Mr. A. R. Lowrey
Mr. C. L. Luna
Mr. E. S. Miller
Mr. R. W. Smith

LABOR MEMBERS,
Third Division - NRAB
Thru Chairman G. P. Kasamis

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

220 SOUTH STATE STREET

CHICAGO, ILLINOIS 60604

August 5, 1971

Mr. W. A. Harris, Asst. to Vice President
Baltimore and Ohio Railroad Company
Baltimore, Maryland 21201

Mr. George P. Sabattie, President
United Transport Service Employees
608 South Dearborn St. - Suites 2122-25
Chicago, Illinois 60605

Mr. R. E. Shackelford, Int. Field Representative
Bro. of Sleeping Car Porters
431 South Dearborn St.
Chicago, Illinois 60605

✓ Mr. C. E. Dellums, Int. President
Bro. of Sleeping Car Porters
1716 7th St.
Oakland, California 94607

Mr. Fred J. Boeckelman, President
Pullman Company
165 North Canal St.
Chicago, Illinois 60606

Re: Docket DC-16388

Gentlemen:

The Petitioner and Respondent did not file a supplemental statement to embody the involvement of the Third Party interest.

The file is closed and the dispute will be placed in line for handling by the Division.

Very truly yours,

E. A. Killeen

E. A. Killeen *AP.*
Executive Secretary

AWP/ dt



NATIONAL MEDIATION BOARD
WASHINGTON, D. C. 20572

OFFICE OF THE CHAIRMAN

October 6, 1971

Mr. C. L. Dellums
International President
Brotherhood of Sleeping Car Porters
103 East 125th Street, Suite 710
New York, N. Y. 10035

Dear Mr. Dellums:

This will acknowledge your letter of October 1, 1971
concerning Referee J. Thomas Rimer, Jr.

Your views have been submitted to the Board.

Sincerely,

George S. Ives
Chairman

October 6, 1971

Mr. C. L. Dellums
International President
Brotherhood of Sleeping Car Porters
103 East 125th Street, Suite 710
New York, N. Y. 10035

Dear Mr. Dellums:

This will acknowledge your letter of October 1, 1971
concerning Referee J. Thomas Rimer, Jr.

Your views have been submitted to the Board.

Sincerely,

George S. Ives
Chairman

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

220 SOUTH STATE STREET

CHICAGO, ILLINOIS 60604

June 9, 1972

GENERAL NOTICE

The following officers of the Third Division, National Railroad Adjustment Board, have been elected to take office July 1, 1972 and to serve for the fiscal year ending June 30, 1973.

P. C. Carter, Chairman

H. G. Harper, Vice Chairman

E. A. Killeen
A.P.

E. A. Killeen
Executive Secretary

EAK/vc

NATIONAL RAILROAD ADJUSTMENT BOARD

220 SOUTH STATE STREET
CHICAGO, ILLINOIS 60604
2018 Consumers Building

July 11, 1973

MEMORANDUM TO ALL CONCERNED:

The Members of the National Railroad Adjustment Board have elected the following officers for the Fiscal Year commencing July 1, 1973:

Mr. E. J. McDermott - Chairman

Mr. G. L. Naylor - Vice Chairman


Roy J. Carvatta
Administrative Officer

NATIONAL RAILROAD ADJUSTMENT BOARD

220 SOUTH STATE STREET
CHICAGO, ILLINOIS 60604
2018 Consumers Building

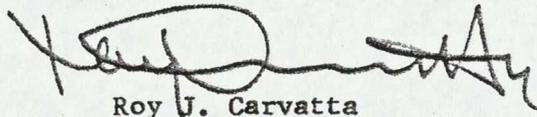
July 5, 1973

Mr. C. L. Dellums, President
Brotherhood of Sleeping Car Porters
1716-18 Seventh Street
Oakland, California 94607

Dear Sir:

Effective July 1, 1973 Mr. Angelo W. Paulos is hereby named Executive Secretary of the National Railroad Adjustment Board replacing, Mr. E. A. Killeen, retired.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Roy J. Carvatta", written in a cursive style.

Roy J. Carvatta
Administrative Officer

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

220 SOUTH STATE STREET
CHICAGO, ILLINOIS 60604

June 25, 1973

GENERAL NOTICE

The following officers of the Third Division, National Railroad Adjustment Board, have been elected to take office July 1, 1973 and to serve for the fiscal year ending June 30, 1974.

H. G. Harper, Chairman

P. C. Carter, Vice Chairman

E. A. Killeen
AR

E. A. Killeen,
Executive Secretary

EAK/vc

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION
220 SOUTH STATE STREET
CHICAGO, ILLINOIS 60604

June 14, 1974

GENERAL NOTICE

The following officers of the Third Division, National Railroad Adjustment Board, have been elected to take office July 1, 1974 and to serve for the fiscal year ending June 30, 1975.

P. C. Carter, Chairman

H. G. Harper, Vice Chairman

A. W. Paulos

A. W. Paulos,
Executive Secretary

AWP/vc

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

220 SOUTH STATE STREET
CHICAGO, ILLINOIS 60604

September 13, 1971

Mr. C. J. Chamberlain, President
Brotherhood of Railroad Signalmen
2247 Lawrence Avenue
Chicago, Illinois 60625

Mr. H. C. Crotty, President
Brotherhood Maintenance of Way Employes
220 South State Street
Chicago, Illinois 60604

✓ Mr. C. L. Dellums, President
Brotherhood of Sleeping Car Porters
1716 7th Street
Oakland, California 94607

Mr. C. L. Dennis, International President
Brotherhood of Railway & Airline Clerks
O'Hare International Transportation Center
6300 River Road
Rosemont, Illinois 60018

Mr. A. R. Lowry, President, T-C Division
Brotherhood of Railway & Airline Clerks
O'Hare International Transportation Center
6300 River Road
Rosemont, Illinois 60018

Mr. C. L. Luna, President
United Transportation Union (Dining Car Stewards)
15401 Detroit Avenue
Cleveland, Ohio

Mr. E. S. Miller, General President
Hotel and Restaurant Employes and Bartenders
International Union
6 East 4th Street
Cincinnati, Ohio 45202

Mr. C. R. Pfenning, President
American Train Dispatchers Association
10 East Huron Street
Chicago, Illinois 60611

Mr. R. W. Smith, Secretary-Treasurer
Dining Car Employees Union
743 East 75th Street
Chicago, Illinois 60619

Dear Sirs and Brothers:

The Labor Members, Third Division, National Railroad Adjustment Board, at a meeting held Wednesday, September 8, 1971, unanimously agreed to request the Chief Executive Officers of the several Unions submitting cases to the Third Division, National Railroad Adjustment Board, to take immediate steps to request that the National Mediation Board refrain from appointing J. Thomas Rimer, Jr., of Atlantis, Florida, as a Neutral Referee to sit with the Division and decide disputes.

It is our unanimous considered opinion that Mr. Rimer does not meet the qualifications set forth by law to be wholly disinterested in the dockets upon which Awards are to be made, and to be without bias between the Parties. To support this contention, we respectfully submit the following discussion concerning Referee Rimer's activities before the Third Division, National Railroad Adjustment Board.

Under date of March 3, 1971, Mr. Thomas A. Tracy, Executive Secretary, National Mediation Board, notified the Chairman and Vice Chairman of the Third Division, National Railroad Adjustment Board, that the National Mediation Board had appointed Mr. J. Thomas Rimer, Jr., to sit with the Third Division as a member thereof, to make Awards in thirty-three (33) Dockets set forth on List "L". With the notice of appointment, a biographical sketch of Mr. Rimer was enclosed. This biography clearly indicated that the background of Mr. Rimer was such that he could not impartially decide cases presented to him. His entire employment history from 1934 through 1970 is one of almost exclusive dealings with Labor Unions as a Management Representative. In addition to functioning as Chief Labor Relations Officer for various Employers, Mr. Rimer was a partisan management advocate in proceedings before the National Labor Relations Board, Presidential Boards and Arbitration Boards. A copy of Mr. Rimer's biographical sketch is enclosed as an Attachment to this letter.

Following Mr. Rimer's appointment as a Referee, he proceeded to Chicago to undertake the work of deciding thirty-three Deadlocked cases on List "L". The results were disastrous. A review of the decisions rendered by Referee Rimer in List "L" Dockets discloses the following:

1. One (1) case was Withdrawn by Agreement of the Parties - Award No. 18490;

2. Six (6) cases were Dismissed by the Referee-Awards Nos. 18443, 18444, 18520, 18553, 18608, 18640. Referee Rimer's Dismissal Awards were made on the basis of Carrier pleadings; thereby constituting the equivalent of a Denial decision;
3. Twenty (20) cases were Denied - Awards Nos. 18473, 18474, 18475, 18476, 18518, 18519, 18521, 18522, 18523, 18554, 18556, 18581, 18605, 18606, 18609, 18623, 18624, 18649, 18666, 18686.

A detailed discussion of the Denial Awards would unduly lengthen this already long Petition. Nonetheless, several comments are required to indicate the general sense of Referee Rimer's lack of understanding, or overt willingness to ignore negotiated provisions, of basic working Agreements.

For instance, in Award 18605 Referee Rimer expressed difficulty in understanding the meaning of the simple word: "office" as used in Rule 12 (c), claiming that the word was not clear on its face. When he got to this point the rule to him now became unclear and ambiguous. Therefore, on the basis that there are several precedent awards holding that custom and practice control in determining the intent of the parties where the language of the Agreement is unclear or ambiguous, the Board should give weight to an established practice. The Carrier argued that custom and practice required the claim be denied. It didn't make any difference to Mr. Rimer that the Organization disputed the existence of this so-called practice. The Claim was denied.

In another case, Award No. 18581, Referee Rimer indicated that the action of the Carrier in handling Overtime assignments didn't have to meet the intent of the Rule;

all that was required was that they "nearly" meet the intent of the Rule. Here he stated, "* * * We believe that the effort to balance overtime through making the assignments as the Carrier did on March 8 more nearly meets the intent of the Rule than the construction placed upon it by the Organization, absent any clear and conclusive evidence to the contrary." (Under-scoring added).

Before leaving Award No. 18581, we would like to comment on the phrase, "clear and conclusive evidence". Two rules of evidence exist - one for the Carriers, one for the Organizations.

In Award No. 18623 Referee Rimer sanctifies Carrier evidence with flowery statements, such as, "the unrefuted evidence placed in the record by the Carrier".

Contrast this with his dealings with evidence submitted by the Organization. "Further, it is the opinion of the Board that the Organization has failed to offer proof of evidentiary value to support the facts which it alleges on this point." - Award No. 18609.

Referee Rimer is not above changing the Dictionary when dealing with exact words in the Agreement. For instance, in Award 18554 he refers to the expression "promptly" as inexact and susceptible to a variety of interpretations. "Prompt", in our Dictionary, is defined as "responding instantly". However, making promptly inexact wasn't sufficient to deny the claim. Something more was needed, something more was supplied by Referee Rimer. He found that the Carrier "acted with reasonable promptness in transferring the claimant to the job he was awarded through bid." The Rule, under which claim was made, does not require reasonable promptness; it requires merely promptness.

4. Two (2) cases were Sustained in part and Denied in part; Awards Nos. 18540 and 18687. In Award 18540, Referee Rimer Sustained Part (a) of the Claim, holding that the Carrier violated the Agreement; but he Denied Part (b) of the Claim; that portion of the Claim seeking payment for the violation. He did the same thing in Award 18687.
5. In Award No. 18555, Referee Rimer partially Sustained the Claim. However, in this case he had originally Sustained the Claim in its entirety, but upon reargument, revised his Award to the benefit of the Carrier.
6. Three (3) cases were Sustained in whole; Awards Nos. 18472, 18552 and 18607. While the undersigned are in agreement that the Awards should have been Sustained; they really do not involve substantive issues. For instance, Award 18472 gives the Claimant three (3) weeks vacation; Award 18552 gives the Claimant four and one-half (4-1/2) hours pay at the time and one-half rate; and Award 18607 gives the Claimant twenty-two (22) days pay. Even calling for unreasonable evidence, changing the Dictionary and adding words to the Agreement couldn't help him in these cases.

The thirty-two (32) Awards rendered by Referee Rimer are attached in numerical order for your convenient reference.

To date, Referee Rimer has drawn sixty-eight (68) days per diem at \$100.00 per day, and thirty-two (32) days expenses totaling \$2431.10. The National Railroad Adjustment Board disbursed a total of \$9231.10 to Referee Rimer for his handling of the thirty-two (32) Dockets on List "L". Referee Rimer took slightly over two (2) days per case in making his Awards. The Division average is about 1.8 days per case for the first six months of 1971.

In view of the foregoing, it is the unanimous recommendation of the Labor Members, Third Division, National Railroad Adjustment Board, that the Chief Executive Officers of the several Organizations

submitting cases to the National Railroad Adjustment Board concerted-ly Petition to have Referee J. Thomas Rimer, Jr., barred from handling further cases with the Third Division.

Respectfully submitted,

W. W. Altus, Jr.

W. W. Altus

J. C. Fletcher

J. C. Fletcher

H. G. Harper

H. G. Harper

George P. Kasamis

G. P. Kasamis

R. W. Smith

R. W. Smith
(per J.W.W.)

J. W. Whitehouse