Decision #248-District #14.

Mr. Matt Walters, Pres.,
Dist. #14, U. M. W. of A.,
Pittsburg, Kansas.

Mr. Bernard Harrigan, Comr.,
Dist. #14, S. I. C. O. Association,
Pittsburg, Kansas.

Gentlemen:-

John Sighel and Henry Lance, drivers, demanding one day's compensation each alleging discrimination on account of the company hiring two miners to timber and brush a room.

In Kansas Joint Board Case #1566 at Crawford County Coal Co., Mine #42, wherein John Sighel and Henry Lance, drivers, are demanding one day's compensation each for July 17 and 22, claiming they had the right to brush up an old room and that the company hired two miners to timber and brush up the room in dispute instead of giving them this work.

The Commission finds from the Joint Statement and evidence that the company decided on July 17 to brush up an old room that had been driven in over 150 feet, and have it timbered up to make an entry out of it, and put two skilled miners therein to drill the brushing and timber the room. This work was begun on an idle day, but no shots were fired in the brushing on that day. The next day when the mine worked one of the miners cleaned up some coal in the room; on the 20th the committee sent one of the miners home refusing to permit him to work, the other miner was permitted to work in the room brushing and timbering the room; on the 21st the two miners worked in the room doing the timbering and brushing, and three drivers cleaned up the brushing shot and did the hauling; on the 22nd the work continued in the same way and two other drivers cleaned up the brushing and did the hauling; thus all of the drivers had an equal share in cleaning up the brushing work, and hauling the brushing. The two drivers making this claim were the drivers that worked in this room cleaning up the brushing and doing the hauling on the 17th and 22nd.

The Commission finds in this case that the company selected men for this timbering and brushing work, who in their judgment were most competent and skilled to do this work. They did not consider the drivers sufficiently skilled or competent to do this work.

Under Article 14, Section 9, as cited by the miners, and which requires an equal distribution of the work among day men qualified as follows:

"provided the parties are competent to do the work."

It has been held in many decisions by the Commission that under the right of the management of the mine and the direction of the working force the company is granted the right of exercising its judgment as
to the question of competency. Therefore, in exercising this right in this case the Commission finds that the company was within their rights and the claim is therefore denied.

Respectfully submitted,

s/s

W. L. A. Johnson

John P. White

Interstate Joint Commission.
Mr. Hearl Maxwell
Sec. L.U. 2397
Mulberry, Kansas