



Award No. 6116
Docket No. 5967
2-IC-CM-'71

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Jesse Simons when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement, Charles Floyd Jr., Carman Helper, was unjustly removed from service of the Illinois Central Railroad by letter dated June 4, 1969.

2. That accordingly the Illinois Central Railroad be ordered to reinstate Carman Helper Charles Floyd Jr., to service, paid for all time lost, with seniority rights unimpaired, and any other benefits he would be deprived of while being held out of service, coming under the Agreement between System Federation No. 99 and the Illinois Central Railroad.

EMPLOYEES' STATEMENT OF FACTS: Carman Helper Charles Floyd Jr., hereinafter referred to as the claimant, is employed by the Illinois Central Railroad, hereinafter referred to as the carrier, at Memphis, Tennessee. At the time of the incident giving rise to the instant claim, claimant was regularly employed by carrier as a Carman Helper, with assigned hours from 7:00 A. M. to 3:30 P. M., Tuesday, Wednesday, Saturday and Sunday on the rip track, and from 7:00 A. M. to 3:00 P. M., Monday at "A" Yard.

On May 16, 1969, F. E. Collins, Shop Superintendent, addressed the following letter to Claimant:

"Johnston Car Shop
May 16th, 1969
PR 8037

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Floyd, Jr.
1073 E. McLemore Avenue
Memphis, Tennessee

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Based upon the entire record before the Board, it is our conclusion that disciplinary action by the carrier was warranted. But permanent dismissal was excessive. We therefore award that claimant be restored to the service with seniority and other rights unimpaired, and without pay for the time lost while out of service.

AWARD

Claim sustained to the extent indicated in findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 21st day of April, 1971.