

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: ( System Federation No. 21, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( Southern Railway Company

Dispute: Claim of Employees:

1. That under the current Agreement, Carman J. S. Graves, Birmingham, Alabama was unjustly suspended from service from 5:30 AM, November 20, 1971 until 11:00 PM, December 20, 1971.
2. That accordingly, the Carrier be ordered to pay Carman J. S. Graves, Birmingham, Alabama for all time lost from 5:30 AM November 20, 1971 until 11:00 PM December 20, 1971.

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.

Claimant was charged with conduct unbecoming an employe, and after investigation and hearing he was given thirty days suspension from service. The charge was the first in over 25 years of employment with Carrier.

A careful examination of the record in this claim compels the conclusion that Carrier's assessment of discipline was excessive, and should be reduced to five days suspension.

A W A R D

Claim disposed of per findings herein.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By *Rosemarie Brasch*  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of February, 1974.