

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 10317
Docket No. 9241
2-SLSF-CM-'85

The Second Division consisted of the regular members and in addition Referee Barbara W. Doering when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada
(
(St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That the St. Louis-San Francisco Railway Company violated the provisions of the controlling agreement when it unjustly removed Sheila D. Warren from service on March 13, 1980.
2. That accordingly, Carman Apprentice Sheila D. Warren be reimbursed for all time lost from March 13, 1980, to the date returned to service, plus six percent (6%) annual interest, seniority rights, vacation rights and all benefits that are a condition of employment, unimpaired.
3. That Sheila D. Warren be reimbursed for all loss sustained account of loss of coverage under health, welfare and life insurance during the time unjustly held out of service.
4. That her personal record be cleared of all charges.

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 employes 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 Sheila D. Warren was discharged for violation of safety rules in her failure to wear goggles while using a cutting torch. During the processing of the case, charges were filed with other agencies and Claimant was eventually reinstated without prejudice to her right to proceed with her claim that the initial dismissal was unfair, and to seek compensation for lost pay for the period in which she was held out of service.

Upon a careful review of the record, the Board finds that although Carrier has met its burden to show that Claimant was indeed guilty of the Rule violation charged, nevertheless the effective penalty of approximately five months out of service is excessive and should be reduced to a 60-day suspension.

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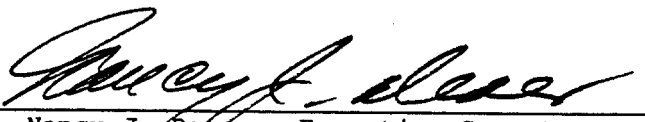
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Claim sustained in part. Discipline shall be reduced to a 60-day suspension and Claimant shall be made whole for the remainder of the period in which she was held out of service.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 6th day of March 1985.