

Parties to Dispute: { International Brotherhood of Electrical Workers  
St. Louis Southwestern Railway Company

We find no basis to affirm the Organization's claim that the errors in the "March 8" letter should be fatal to the charges: the Claimant admitted he made such change to the cable identification at the time of discovery of the altered communication block. His demeanor thereafter contributed significantly to the uncertainty as to why such change was effected. But while this Board can affirm the Carrier's actions to that point, it finds no basis to conclude that the claimant's actions were "misconduct or willful disregard" for property. The Carrier's point is well-

taken that proper labelling is essential to its communication network and that its supervisory staff should be apprised of any such changes, but the record suggests that such changes are not always so coordinated and, more importantly, that such changes are possible without some premeditated damage being the resultant intent.

We have carefully read the record and conclude that while the Claimant's removal of the identification numbers may have been in error and that his demeanor when later asked about it was deserving of admonishment, the ascribing by the Carrier in its charging letter of misconduct and willful intent was overreaching in the extreme. If the grievant's work performance was in error by his actions, the charges should have been properly stated. And while we have concluded that the seriously flawed letter of charges was not fatal to the disciplinary action against the Claimant, it was sufficiently at odds with the facts to indicate that the Claimant was not alone in the potential to make mistakes. We shall direct that the number of demerit points be reduced to 20, more properly reflecting the gravity of his improper actions.

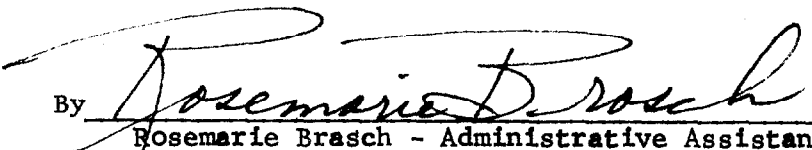
A W A R D

While discipline is sustained, it is reduced as set out in the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of November, 1981.