

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13732

Docket No. 13591

03-2-00-2-71

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

**(Brotherhood of Railway Carmen Division
(Transportation Communications International Union**
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. That the Springfield Terminal Railway Company violated the terms of our current agreement, in particular Rule 28.4 when they arbitrarily denied compensation to Henry J. Satrowsky when he performed service for the carrier on May 24, 1999.**
- 2. That, according, the Springfield Terminal Railway Company be ordered to compensate Carmen Henry J. Satrowsky in the amount of four (4) hours pay at the applicable hourly rate, as provided for in our current agreement.”**

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

In Second Division Award 13673, the Board considered a claim over a three-day suspension given to the Claimant because he failed to leave an air slip with a train on which he performed a terminal air brake test before going off duty on May 24, 1999. While we found that the Claimant engaged in the misconduct as alleged by the Carrier, we further found that the amount of discipline was excessive and arbitrary. We reduced the Claimant's suspension to one day and ordered the Carrier to make the Claimant whole less the consequences of the one day suspension.

This claim asserts that the Claimant should have been compensated under Rule 28.4(a) because he had to come back to work on May 24, 1999 to complete the air slip which he failed to complete prior to leaving work. That request must be rejected.

The claim for compensation in this case was presented to the Board separate from the disciplinary matter addressed in Award 13673. Had the Board been made fully aware that the Claimant was seeking compensation for the time he had to come back to work as a result of his misconduct, we would have considered that request as part of the remedy formulated for the Claimant in Award 13673. In Award 13673, we awarded the Claimant two days' pay. Under the circumstances, and given our discretion to formulate remedies, the Claimant's request for compensation for coming back to work to perform duties he should have performed before he left work must be considered as already remedied in Award 13673. In light of the fact that we awarded the Claimant two days' pay in Award 13673, we find the request in this case to be moot and shall order no further relief on his behalf.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 30th day of June 2003.