

Award No. 7018
Docket No. CL-7155

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**UNION PACIFIC RAILROAD COMPANY
(South Central District)**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood that:

John G. Oppenheimer, Yard Clerk No. 5, Junction Station, Los Angeles, California be returned to service with all rights unimpaired and compensated for all monetary loss sustained dating from December 2, 1953, until adjusted.

OPINION OF BOARD: The charge against Yard Clerk John G. Oppenheimer, hours 11:59 P. M. to 7:59 A. M., was that he failed to properly protect his assignment at 11:59 P. M., November 19, 1953. We think that this fact alone, upon the record of this particular dispute, would not warrant the extreme penalty of dismissal from Carrier's service. However, the record shows that the Carrier apparently assessed the extreme penalty because of this employee's record of unsatisfactory service; therefore the Board is not disposed to disturb Carrier's action.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the action of the Carrier will not be disturbed.

AWARD

Claim denied.

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

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 24th day of June, 1955.