

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

BROOKLYN EASTERN DISTRICT TERMINAL

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees:

1. That the Carrier violated the provisions of the Clerks' Agreement and specifically Rule 47, when it discharged Frank Falzone, Watchman, from its service, on November 8, 1955, without proper notice, investigation or hearing.
2. That the Carrier further violated the provisions of the Clerks' Agreement when on December 2, 1955, an officer of the Carrier, who had previously discharged Mr. Falzone, acted in a tripartite capacity of Judge, Prosecuting Attorney and Complaining Witness, when he conducted a Hearing.
3. That Frank Falzone shall be returned to work with his original seniority and shall be paid for all time lost, starting on November 25, 1955 and all subsequent working and vacation time, until the violation is corrected.

OPINION OF BOARD: This is a discipline case. In the circumstances present in this case the Claimant will be restored to the seniority roster with his former seniority date and other rights unimpaired, but without allowance for vacations covering period out of service and without compensation for any time lost.

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 employee involved in this dispute are respectively carrier and employee 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 Agreement was violated in accordance with the Opinion.

AWARD

Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May, 1957.