

Award No. 13575

Docket No. CL-14138

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-5329) that:

(a) Mr. Ben Zimmer, incumbent of a regular position of Ticket Seller, Pennsylvania Station, New York, N. Y., New York Region, be relieved of the debit of \$692.98 which was missing from his cash drawer March 3, 1959.

(b) All money which he was forced to pay toward the \$692.98 in order to hold his position be returned.

(c) Proper protection be furnished to protect all bonded employees who handle Company funds and other valuables. (Docket 1150)

OPINION OF BOARD: Under the exceptional and unusual circumstances in this case, the action of the Carrier in requiring the employee to make reimbursement was tantamount to discipline. We therefore find that he should have been given a trial in accordance with the discipline rule of the Agreement. Parts (a) and (b) of the claim will be sustained. We are without authority, however, to grant the remedy requested in Part (c) of the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 Agreement was violated.

AWARD

Parts (a) and (b) of the claim are sustained. Part (c) of the claim is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1965.