



Award No. 15982
Docket No. CL-16771

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
NEW YORK, SUSQUEHANNA AND WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that (GL-6114)

(a) Carrier violated the Clerks' Agreement when, following investigation held on May 26, 1966, it arbitrarily and without justification dismissed Clerk Edith J. Ackerman from service, and

(b) Carrier shall be required to reinstate Mrs. Edith J. Ackerman to the service of the Carrier with seniority and all other rights unimpaired and her record cleared of these charges, and

(c) Carrier shall be required to compensate Mrs. Edith Ackerman for any and all wage loss suffered as a result of this dismissal.

OPINION OF BOARD: The evidence of record indicates that Claimant was frequently absent from work for various reasons; that on May 18 and 19, 1966, she was absent without permission, thereby subjecting herself to disciplinary action. However, in the circumstances of this case, we find the extreme penalty of dismissal from service to be excessive and an abuse of discretion. Claimant should be restored to service with seniority and other rights unimpaired, but without compensation for time lost.

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 claim should be disposed of in accordance with the Opinion.

AWARD

Claim disposed of in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1967.