



Award No. 15984
Docket No. CL-16827

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**
THE LONG ISLAND RAIL ROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6213) that:

1. Dismissal of Clerk J. Axelrod on October 10, 1966 was improper, unjustifiable, unreasonable and unwarranted.

2. Clerk Axelrod shall be returned to work with seniority rights unimpaired and he shall be paid for all time lost, including all fringe benefits beginning June 29, 1966, when he was first held out of service and each day thereafter until such time as the violations are corrected and claimant is restored to work.

OPINION OF BOARD: From an examination of this record we find that Claimant was guilty as charged. This being the case, disciplinary action was in order. However, we think that dismissal was an excessive penalty. The time already lost by Claimant is sufficient discipline. We will hold that the Claimant shall be reinstated with seniority unimpaired but without reimbursement for wages 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 disciplinary action imposed was excessive.

AWARD

Claim sustained to the extent indicated in the Opinion.

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.

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