

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
ATLANTIC COAST LINE RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6216) that:

(a) Carrier violated the agreement when it dismissed A. P. Rogers from its service effective August 17, 1966.

(b) A. P. Rogers shall now be restored to Carrier's service with seniority and all other rights unimpaired and shall be compensated for all wage losses sustained as a result of his wrongful dismissal.

OPINION OF BOARD: Claimant was dismissed from Carrier's service effective August 17, 1966, for his actions while working temporarily as Assistant Storekeeper in the Dining Car Commissary on July 25, 1966.

The Board has carefully reviewed the entire record in the case and finds that Claimant was granted a fair and impartial investigation, and that none of his substantive rights under the Agreement were violated.

We find, from the record, that Claimant was guilty as charged, and that disciplinary action was in order. However, we think that permanent 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 discipline imposed was excessive.

AWARD

Claim sustained to extent shown in Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 18th day of April 1968.