

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Jerry L. Goodman, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION

**THE NEW YORK, NEW HAVEN AND HARTFORD
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on The New York, New Haven and Hartford Railroad, that:

1. That Carrier's discipline against James K. Remington is excessive, unreasonable and unjust in dismissing him from service.
2. Carrier shall restore J. K. Remington to service with full seniority and that he be paid for all time lost.
3. Carrier shall return to J. K. Remington all monies it has deducted from his pay checks covering automobile mileage and dead-heading.

OPINION OF BOARD: Based upon our examination of the record in this case, we are of the opinion that the discipline of dismissal imposed herein is excessive. We therefore hold that Claimant should be returned to service with full seniority but without compensation for the 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 Employes involved in this dispute are respectively Carrier and Employes 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 by the Carrier.

AWARD

Claim sustained 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 13th day of September 1968.

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