



**Award Number 17340**

**Docket Number CL-17560**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**David H. Brown, Referee**

**PARTIES TO DISPUTE:**

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

**SOUTHERN RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-6395) that:

- (a) Carrier violated the Agreement when it suspended Mr. D. K. Lawson from the service of the Southern Railway Company for a period beginning April 15, 1966, and ending April 29, 1966, for his so-called dereliction in preparing LDX header sheet 8:25 P.M. the night of April 14, 1966.
- (b) Mr. D. K. Lawson shall be compensated for the time lost beginning April 15, 1966, to April 29, 1966.

**OPINION OF BOARD:** The Petitioner alleges that the Carrier violated the Agreement when it suspended Claimant D. K. Lawson from the service for a period beginning April 15, 1966, and ending April 29, 1966, for alleged dereliction in preparing LDX header sheet at 8:25 P.M., April 14, 1966, for out-bound train 20-D. The claim is that he be compensated for time lost beginning April 15, 1966, to April 29, 1966.

The Board has considered the entire record in the case and finds that Claimant's substantive rights under the Agreement were not violated. It is clear that Claimant did err in the preparation of the header sheet involved. There is no evidence, however, that the error caused any delay to operations or put the Carrier to additional expense.

Based on the entire record, it is our considered conclusion that while some discipline was warranted, any discipline in excess of a suspension for five work days was excessive. We, therefore, hold that Claimant should be compensated for all time lost in excess of five work days.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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.

**A W A R D**

Claim sustained to the extent indicated in Opinion and Findings.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

**ATTEST: S. H. Schulty**  
**Executive Secretary**

Dated at Chicago, Illinois, this 24th day of July 1969.