



Award Number 17352

Docket Number CL-17808

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Murray M. Rohman, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAM-
SHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYEES**

ERIE-LACKAWANNA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6452) that:

1. Carrier violated the rules of the Clerks' Agreement when they conducted an improper investigation on June 3, 1966 which resulted in five (5) days actual suspension of Ticket Clerk William A. Grobe.
2. Carrier shall be required to rescind the discipline, expunge from his personnel record any notation placed thereon as a result of this improper action and compensate Mr. Grobe for all time held out of service. (Claim 1831)

OPINION OF BOARD: A threshold issue raised by Petitioner is an allegation that the notice of investigation did not contain a charge as required by Rule 40 of the Agreement.

Examination of the notice shows it did not contain a charge and thus did not meet the requirements of Rule 40 nor the bare requirements as delineated in awards of this Division. For such reason the claim must be sustained and it is, therefore, unnecessary to pass upon other issues raised by the parties.

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 Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1969.