



Award No. 18702
Docket No. CL-19094

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

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

LEHIGH VALLEY RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6859) that:

(a) The carrier violated the current Agreement between the parties, when after Hearing and Investigation held on March 9, 1970, it dismissed Mrs. E. Wynne, from service without just cause, and,

(b) Carrier's action in this case is arbitrary, capricious, and unwarranted.

(c) The evidence adduced at the Hearing and Investigation held on March 9, 1970, in the office of Mr. A. J. Wago, Manager, Freight Claim, & Prevention, does not, and did not warrant dismissal from the service of Mrs. E. Wynne.

(d) The Carrier shall now be required to restore Mrs. E. Wynne, to service with all rights unimpaired and compensate her for all wage loss from March 3, 1970, when she was suspended from service pending Investigation and Hearing, until restored to service with all rights unimpaired; such rights to include, paid for life insurance, and hospital, medical and surgical insurance for herself and dependents, Travelers Insurance Company.

OPINION OF BOARD: This is a companion case to the one covered in our Award 18701. The Claimant herein is the wife of the claimant in Award 18701; was employed as clerk in the same office, and was dismissed for her involvement in the same occurrence on February 25, 1970. Our findings in Award 18701 are, by reference, incorporated herein.

A careful study of the transcript of the investigation conducted on March 9, 1970, convinces us that some discipline was warranted against the Claimant, but considering her years of service with the Carrier of almost twenty years, with no record of any prior discipline, permanent dismissal was excessive. We will award that Claimant be restored to service with seniority

and other rights unimpaired, but without compensation for time lost while out of service.

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 the extent set forth in the Opinion and Findings.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: E. A. Killeen
Executive Secretary**

Dated at Chicago, Illinois, this 24th day of September 1971.