

Award No. 18874

Docket No. CL-19124

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert A. Franden, Referee

PARTIES TO DISPUTE:

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

SEABOARD COAST LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6935) that:

(a) Carrier violated the agreement when it suspended Truck Operators V. L. Anderson and L. A. Meyer from the service from November 14, to December 10, 1969.

(b) Carrier shall now be required to compensate Truck Operators V. L. Anderson and L. A. Meyer for all wage loss for the period suspended between November 14 and December 10, 1969.

OPINION OF BOARD: This is a discipline case. The Claimants were suspended from the service of the Carrier from November 14 through December 10, 1969 for alleged insubordination in failing to obey an order to load trailers at the Taft ramp at Orlando, Florida.

The record reveals that at the investigation there was present substantial evidence of probative value that the Claimants are guilty of the offense charged. However, the record further reveals that there were extenuating circumstances involved which mitigate that guilt and that the punishment assessed by the Carrier was too severe. Accordingly we hold that a suspension without pay for 10 working days was the discipline warranted in this case. The Claimants are to be compensated in full for any pay lost in excess of ten working days.

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 assessed was excessive.

AWARD

Claim sustained in accordance with this Opinion.

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

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 10th day of December 1971.