

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 19967
Docket Number SC-19642

C. Robert Roadley, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(George P. Baker, Richard C. Bond, **Jervis Langdon, Jr.**,
(and Willard Wirtz, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Rail-
road Signalmen on the Penn Central Transportation Company
(former New York Central **Railroad-Company-Lines** West of Buffalo) that:

, (a) Carrier violated the current agreement between this **organization**
and **the** former New York Central Railroad Company, Lines West of Buffalo, effec-
tive March 1, 1951, as amended, particularly Rule 51, when in a letter dated
October 12, 1970, it disciplined Leading Signal Mechanic B. I. **Clawson**, Signal
Mechanics C. A. Riffle and **T.** L. Adams, and Assistant Signal Mechanics **W. J.**
Long and **G.** L. Hewitt, without first affording them a proper hearing as required
by paragraph (a) of that rule.

(b) Carrier should be required to clear their personal records of
any reference to this discipline, compensate them for any and **all time** lost
because of it, and for any time spent traveling to and attending the October 1,
1970 investigation, reimburse them for transportation and any other expenses in-
curred in connection with this matter, and pay them 1 **1/2%** interest per month,
compounded monthly, on all money payable under this claim, with this interest
to **commence** November 1, 1970 and continue until money is paid.

OPINION OF BOARD: The facts and circumstances in this case are identical to
those in Third Division Award 19965 except that the
claimants here are the members of the Gang of which the claimant in the pre-
ceding Award was the Foreman. The primary issue raised by Petitioner, as in
Award No. 19965, is whether claimants received a proper hearing in accordance
with Rule 51 of the Agreement. Again, Petitioner avers that a precise charge
was not furnished by the Carrier prior to the hearing.

The principle set forth by the Board in its determination in Award
No. 19965 has equal application in the instant **case** regarding the question
of a proper hearing, wherein we found that claimant had been afforded a fair
and impartial hearing and that Carrier had not abused its discretionary authority
in the assessment of discipline. To belabor the point in this case would serve
no useful purpose. As a matter of fact, it would appear, in light of the cir-
cumstances, that the discipline assessed in this case was extremely light.

Award Number 19967
Docket Number X-19642

Page 2

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 determination in Award No. 19965 has equal application to this case and we will deny the claim for the same reasons as stated therein.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauloz
Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1973.