

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20049
Docket Number CL-19794

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(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 System **Committee** of the Brotherhood (GL-7130)
that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 6-A-1, when it assessed discipline of five days suspension on N. T. **Langham**, Shipper and Receiver, Samuel **Rea** Shops, **Hollidaysburg**, Pennsylvania.

(b) Claimant N. T. **Langham**'s record be cleared of the charges brought against him on September 29, 1970.

(c) Claimant N. T. **Langham** be compensated for wage loss sustained during the period out of service.

OPINION OF BOARD: This is a discipline case involving the **same** parties and Agreement as in Award No. 20048.

The charge served on Claimant herein is identical (except for the name of the charged **employee**) as in Award No. 20048. Further, the issues raised and the evidence adduced are substantially **identical**. Therefore, for reasons stated in Award No. 20048 we will sustain the instant claim.

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

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The claim must be sustained, Carrier having failed to satisfy its burden of proof.

A W A R D

Claim sustained with Claimant to be made whole to the extent prescribed in Rule 6-A-1 (h) of the Agreement.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1973.