

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 20596
Docket Number CL-20560

William M. **Edgett**, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Reight Handlers, Express and
(Station **Employees**

PARTIES TO DISPUTE:

(
(George P. Baker, Richard C. Bond, and **Jervis** Lang-
(don, Jr., Trustees of the Roperty of
(**Penn** Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(**GL-7447**) that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly **Rule** 6-A-1, when it assessed discipline of 60 days suspension, later reduced to a conditional 15 days, on Claimant T. **J.** Lack, Clerk at the Carrier's Station, Coatesville, Pa., Eastern Region, **Phila-**
delphia Division.

(b) Claimant T. **J.** Lack's record be cleared of the charges brought against him **on** September 29, 1972, and that any adverse reports to the Bonding Company be corrected.

(c) Claimant T. J. Lack be compensated for any monetary loss sustained.

OPINION OF BOARD: **Claimant** was assessed sixty (60) days discipline reduced to fifteen (15) days for failure to properly protect company property on the **weekend** of July 22-23, 1972.

The Claimant was assigned as a Ticket Clerk at Coatesville, **Penn-**
sylvania with tour of duty **6:30** A.M. to **3:30** P.M. - Monday through Friday. **Claimant** also worked four hours on alternate Saturdays, including the **week-**
end in question.

On the weekend of July **22-23**, 1972, the Coatesville Station was ransacked and burglarized by two juveniles, both of **whom** asserted **under** separate questioning that the safe door was open and they helped themselves to a sum of money located therein. There was no indication of forcible entry into the safe.

While the evidence establishes some degree of nonfeasance on **Claim-**
ant's part, in that he neglected to positively check the safe before his departure **on Friday** and Saturday, it certainly does not establish that it was **more** than an oversight which, under the existing circumstances of this case, warrants a reprimand as a proper penalty to be assessed.

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 should be modified as discussed **above**.

A W A R D

Claim disposed of per Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1975.