

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20925
Docket Number CL-21078

Francis X. Quinn, Referee

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

PARTIES TO DISPUTE: (
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of **the System Committee** of the Brotherhood
(GL-7775) that:

1. Carrier violated the term: of **the Agreement** effective May 1, 1952, particularly Rule 22, when under date of November 25, 1970 it suspended from service Mr. I. Shiheiber, Janitor in the Maintenance and Operations Department, and, subsequently, dismissed him from service under date of December 7, 1970, and;

2. Carrier shall be required to compensate Mr. I. Shiheiber from November 25, 1970 forward for all time lost at the rate of his regular assigned position, and reimbursement for premium and benefit entitlements accruing from Travelers Insurance Company Policy No. GA-23000.

OPINION OF BOA??: The record establishes the basis for disciplinary action.

However, in view of the circumstances of record we find discharge acute and extreme punishment. Therefore, we will reinstate the **grievant** without back pay.

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 Agreement was violated **in** part.

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Grievant is reinstated but without back pay.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By **Order** of Third Division

ATTEST: *A. W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January 1976.