

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21077
Docket Number CL-20927

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and
(Steamship **Clerks**, Freight Handlers,
(Express **and** Station **Employees**
((formerly **Transportation-Communication**
(Division)

PARTIES TO DISPUTE: (
(Robert W. **Blanchette**, Richard C. **Bond** and
(John H. **McArthur**, Trustees of the Property
(of Penn Central Transportation **Company**,
(Debtor

STATEMENT OF CLAIM: Claim of the System **Committee** of the **Brotherhood**,
GL-7735, that:

(a) The Carrier violated the Rules Agreement., effective September 1, **1949**, particularly Article **27**, when it assessed discipline of dismissal, later reduced to a suspension, on Claimant C. **J.** Sweeney, Agent at the Carrier's station in Kingston, Rhode Island.

(b) Claimant C. J. Sweeney's record be cleared of the charges **brought against him on September 17, 1973.**

(c) **Claimant** C. J. Sweeney be compensated for wage loss sustained during the period out of service.

OPINION OF BOARD: The Claimant was assigned as **an Agent** at Kingston Station, Rhode Island, and as one of his delegated responsibilities was to approve telephone calls that originated at that station. He was charged and found guilty of falsely approving certain calls as **company** business when the transcript indicated they were purely personal. Claimant contended that the **calls** were related to the damage to his car which occurred while engaged in company business, although he never reported such **damage** to the company. He **was** dismissed from service on October **3, 1973**, and reinstated on February 9, **1974.**

The assessment of discipline **in** this case was warranted by the record; however, we feel thirty **(30) days** was sufficient discipline under the particular circumstances, especially in view of Claimant's belief, although erroneous, that the calls were justified as company business.

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

Claim disposed of per Opinion.

A W A R D

Claim disposed of per Opinion and **Findings**.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 19th **day** of May 1976.