

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21816
Docket Number CD-21763

George S. Roukis, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station **Employees**
PARTIES TO DISPUTE: (
(The Denver and **Rio Grande** Western
(Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(**GL-8237**) that:

1. Carrier was unreasonable and unjust in suspending **Mr.**
Jerry B. **Rickard** as a result of the investigation held April 1, 1975.

2. Carrier shall now be requested to compensate Mr. **Rickard**
for March 25, 26, 27, 28 and 31, 1975.

OPINION OF BOARD: (On March 25, 1975, Claimant reported to work at his
assigned **11:59** p.m. starting **time** and, after
commencing work, noticed he did not have medicine he was required to take
for phlebitis. Ten minutes later he informed another clerk working the
same shift that he had forgotten his medicine and was going to get it
from his car. He found his medicine was not in his car and left
immediately for his home to obtain it, arriving there in approximately
ten minutes at which time he called the office to inform them what had
occurred. He secured the medicine and arrived back at work approximately
twenty minutes **later.**) The clerk whom he had notified of his intended
departure from the premises informed him on his return that he was to
contact the supervisor in charge about the incident or **that** he could
return home without working as a replac-t had been called to work his
position. When Claimant met with the supervisor he was informed that he
had been absent from duty without permission and was immediately removed
from service. Claimant was properly served notice of formal investigation
and following the investigation he was suspended for five working days
for his responsibility in the matter.

After careful review of the entire record we find that it does
not support Carrier's findings that Claimant was absent from duty without ✓
proper authority. Rather, the record discloses that he briefly left his
position to retrieve prescribed medication and that he notified his co-
worker which was the accepted practice in the office. Claimant notified

his co-worker that he was going to his car; he did not notify him that he was leaving the property until after having done so. This was an error **in** judgment on the **part of** Claimant.

Under these circumstances and on this record, we find an actual **five-day** suspension to be excessive. A reprimand seems to us to be all that was merited. Accordingly, we shall reduce the discipline **to a** reprimand and Claimant shall be compensated for the five days withheld from service. 3

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

The Agreement was violated as indicated in the opinion.

A W A R D

Claim sustained as indicated in opinion and findings.



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

ATTEST:

A. W. Pauloz
Executive Secretary

Dated at Chicago, Illinois, this **16th** day of December **1977.**