

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21829  
Docket **Number** MW-22035

Don Hamilton, Referee

**PARTIES TO DISPUTE:** (Brotherhood of Maintenance of Way **Employes**  
(St. Louis-San Francisco Railway **Company**)

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Special Equipment Operator R. A. **Cordova** by **Roadmaster** D. R. Hall at 1:00 P.M. **on** March 1, 1976 was without just and sufficient cause and on the basis of charges which were not proven at the investigation held **on** March 19, 1976 (System File A-9473).

(2) Claimant **Cordova** shall **now** be allowed the benefits prescribed in Agreement Rule 9(c).

**OPINION OF BOARD:** The **Roadmaster** went to the job site and advised the Claimant **Cordova** that his expense reports were not in line. **The** parties argued **over** obtaining receipts for the meals and one word lead to another and subsequently the Claimant was **terminated**.

At the hearing, testimony was taken concerning daily **expenses** and the record keeping for the expenses. However, **the** following critical testimony is important to this case:

Q. Mr. Hall, I would like for you to tell me for what specific reason you fired Mr. **Cordova**.

A. He **has a** smart attitude and has problems with the foreman that work with him over going to eat. He doesn't take a noon meal, he goes to the switch where there is a town close to go *eat*.

A. **The** main reason I fired him was his calling me a horse's ass.

The record indicates that the Claimant was terminated March 1, 1976, and was returned to **service** by the Carrier March 29, 1976.

The record indicates **that** some discipline is warranted, but the discipline which was actually assessed by **the** Carrier is excessive.

It is held that the Carrier should compensate the Claimant for all time lost in excess of 15 days.

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 **Employes involved** in this dispute are respectively Carrier **and Employes** 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 was excessive.

A W A R D

Claim sustained as indicated in the Opinion.

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

ATTEST:

*A.W. Pauls*  
**Executive Secretary**

Dated at Chicago, Illinois, this 6th day of January 1978.

