

NATIONAL RAILROAD **ADJUSTMENT** BOARD

**THIRD** DIVISION

Award **Number 21961**  
Docket Number CL-22050

James F. **Scearce**, Referee

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station **Employees**  
**PARTIES TO DISPUTE:** (  
(Illinois Central Gulf Railroad

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood  
(**GL-8382**) that:

(a) Carrier violated the Agreement when it wrongfully dismissed Horace Hunter, Jr., from service of the Carrier following an investigation held at Memphis, Tennessee on Friday, May 7, 1976, and that

(b) Carrier now be required to return Horace Hunter, Jr., to active **service** and his record cleared, with all rights and privileges unimpaired, and with full pay for all wages lost during the time he has been dismissed from service.

**OPINION OF BOARD:** The Board has carefully reviewed the rather voluminous docket, including the transcript of the investigation conducted on May 10, 1976, and the rather extensive handling of the dispute on the property prior to submission to this Board.

The Board finds that none of claimant's substantive procedural rights were violated. The charge preferred met the requirements of the Agreement. There was substantial evidence introduced **in** the **investigation** to support the charge for which claimant was dismissed. However, it is the conclusion of the Board, under the facts of record, that permanent dismissal of claimant was excessive. We will award that claimant be restored to service with seniority **and** other rights unimpaired, but without pay for time lost while out of service..

**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;

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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 imposed was excessive.

A W A R D

Claim sustained to the extent indicated in Opinion and Findings.

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

ATTEST: *A. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 15th day of March 1978.

