

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **22290**
Docket Number X-22286

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(**Chicago**, Rock Island and Pacific Railroad Company
(William M. Gibbons, Trustee)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago, Rock Island and Pacific Railroad company that:

(a) **On May** 26, 27, September 29 and October 8, 1976, the carrier violated the current Signalmen's Agreement, particularly rule 64 during the investigation of signal maintainer Mr. W. R. Money, and subsequent discipline assessed to him.

(b) Carrier now be required to remove the thirty (30) demerit marks **from Mr.** Money's record, regarding the alleged charge, and clear his record of the discipline, copy of same furnished this office."

(General Chairman's File: AV-G-251. Carrier's File: PR-W.R. Money)

OPINION OF BOARD: The Grievant was assessed 30 demerit marks for the violation of Company rules in connection with the disposing of Company property without authority.

The Grievant gave away the material in question, but alleges that he had received oral authority to do so.

The record contains evidence of wrongdoing on the part of the Grievant. The Carrier failed to adequately meet the burden of proof required to substantiate the **amount of** discipline imposed.

The **punishment** assessed **is** reduced to 15 demerit marks.

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 **amount of** discipline was excessive.

A W A R D

Claim sustained as per Opinion.

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

ATTEST:

A.W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of **January 1979**.

