

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22429
Docket Number CL-22332

James F. **Scearce**, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station **Employees**

PARTIES TO DISPUTE: (

(**Kentucky &** Indiana Terminal Railroad Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(GL-8479) that:

1. Carrier violated the Agreement when, without just cause, it dismissed from service, for five (5) working days, Clerk Mac A. Sullivan effective Thursday, September 30, 1976.

2. As a consequence Carrier shall:

- (a) Pay Mr. Sullivan the amount of wages he would have earned absent the violative act.
- (b) Pay Mr. Sullivan interest at the statutory rate for the State of Kentucky for any amounts due under (a) hereof.
- (c) **Remove** from Mr. Sullivan's work record, this charge and the entire transcript of the investigation held in the **Agent's** office at 9:00 a.m. on Thursday, September 23, 1976.

OPINION OF BOARD: On August 31 a letter was directed to the claimant charging him with violation of Bulletin No. 113 on August 26.

Rule 24 requires a precise charge be made of matters under investigation within fifteen days after **knowledge** of alleged offense. It is clear from the record that Carrier had knowledge August 26. Fifteen days after August 26 **would** have been September 10. Under date of September 27 the claimant was disciplined for violation of Bulletin No. 234 on August 26. The Carrier, in order to properly have disciplined claimant for a violation of Bulletin No. 234,

would have had to charge him with a violation of Bulletin No. 234 on or before September 10. Claimant was not charged with a violation of Bulletin No. 234 until September 17 when **the original charge was** "revised". The Carrier argues the claimant's September 3 letter requesting **postponement stay** and extend all the-time limits.. It can only be said the action extended the time **limits in which to hold** a hearing not **the time** limits in which to make a-precise charge.

The portion of the claim related to interest is denied; the remainder of the claim is sustained.

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 Agreement was violated.

A W A R D

Claim sustained as set **out** in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 15th day of June 1979.