

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25024  
Docket Number CL-24983

Eckehard Muessig, Referee

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

PARTIES TO DISPUTE: (

(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9706)  
that:

1. Carrier violated the Agreement Rules, particularly Rule 21, when under date of October 28, 1981, it dismissed from service Mrs. P. G. Rosenwinkel. Clerk at LuVerne, Iowa account of investigation held on October 22, 1981, and,

2. Carrier shall be required to return Mrs. P. G. Rosenwinkel with all all rights unimpaired, and compensate her for all losses sustained to include fringe benefits, commencing October 28, 1981, and continuing until the violation is corrected.

OPINION OF BOARD: As a result of the an investigation, the Claimant was advised by notice dated October 28, 1981, that she was dismissed for submitting falsified documents covering lodging and meals.

The Board finds sufficient evidence to support the Carrier's charge. However, in view of certain factors and circumstances of a mitigating nature, having an effect upon the key issues presented in this dispute, we consider permanent dismissal to be too severe. Accordingly, the Claimant will be restored to service with seniority rights unimpaired, but without any compensation 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;

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.



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Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September 1984.

