

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25434  
Docket Number CL-25299

Herbert L. Marx, Jr., Referee

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

PARTIES TO DISPUTE: (

(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (**GL-9795**)  
that:

1. Carrier violated the terms of the current Agreement, particularly Rule 21, when it assessed an actual thirty (**30**) day suspension to Ms. Donna L. Hawkins. account formal investigation held on September 9, 1981, and,

2. Carrier shall be required to compensate Ms. Donna L. Hawkins for all monetary losses suffered account serving the actual thirty (**30**) day suspension effective September 14, 1981, and to expunge her record of such charges.

OPINION OF BOARD: Claimant was subject to an investigative hearing concerning (1) failure to forward waybills on two freight cars on August 21, 1981; (2) failure to advise the Yardmaster of "in-wrong" cars on trains on August 28, 29, 30 and 31, 1981; and (3) failure to call a Work Train crew for 7:55 a.m., on September 1, 1981 while she was on duty as Yard Clerk at Nelson, Illinois. Following the hearing, she was assessed a **30-day** disciplinary suspension.

Review of the record demonstrates that the Claimant mishandled her duties concerning waybills and the "in-wrong" cars on the dates specified. Her explanations as to her assignments and work responsibilities on these dates did not offer convincing evidence to the contrary.

As to the failure to call the Work Train for the time and date specified, the record shows that there was some confusion as to what orders she actually received and that her questions concerning the calling of the Work Crew may have resulted in answers from others which explained the fact that the Work Crew was not called.

In view of this, the Board finds that discipline was properly imposed, but was excessive in view of the lack of sufficient proof concerning the calling of the work crew. The disciplinary suspension shall be reduced to 20 days, and the Claimant shall be made whole for 10 days of the **30-day** penalty which was imposed.

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 Carriers 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 was excessive.

A W A R D

Claim sustained in accordance with the Opinion.

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

ATTEST:

  
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1985.