

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union  
(  
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
(GL-10404) that:

1. Carrier violated the Agreement Rules, particularly Rule 21, when it dismissed Ms. B. J. Waddell from the service of the Carrier account formal investigation held August 22, 1988; and

2. Carrier shall now be required to return Claimant B. J. Waddell to the service of the Carrier with payment for all time lost as well as reimbursement for any monies expended by her for any health and welfare benefits which may be due her as a result of the supreme penalty of dismissal being issued to her."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was employed as a Clerk in Carrier Division Manager's office at West Chicago, Illinois. On August 12, 1988, Claimant was directed to appear at an Investigation on the following charge:

"Your responsibility for conduct unbecoming of an employee and dishonesty when you (1) obtained personal and confidential information about employees from record, (2) identifying yourself as a fellow employee and (3) requesting a fellow employee to misrepresent herself as your supervisor for the purpose of obtaining personal credit and gain, which came to the attention of the Carrier on August 11, 1988."

The Hearing was held on August 22, 1988. As a result of that Hearing, Claimant was found guilty as charged and dismissed from Carrier's service.

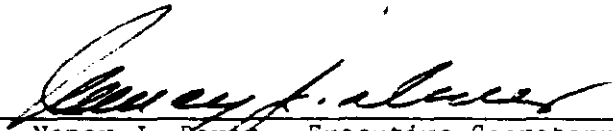
A review of the record reveals that Claimant was guilty of some misconduct. Her conduct, however while deserving of a severe penalty, does not justify permanent dismissal from Carrier's service. The Board has therefore concluded that Carrier can make its point in this instance with a long suspension. We have concluded that Claimant's records shall indicate that she was suspended without pay from August 29, 1988, until August 29, 1989. Claimant should be immediately restored to service and paid for all lost time minus outside earnings from August 29, 1989, forward.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 28th day of March 1991.