

Award No. 3697
Docket No. CL-3633

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Joseph L. Miller, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS

STATEMENT OF CLAIM: Claim of the Terminal Board of Adjustment, Brotherhood of Railway and Steamships Clerks, Freight Handlers, Express and Station Employees, that Baggage Department employe, Isadore Weinshelbaum, be compensated for wage loss suffered from May 4th to July 3, 1946.

OPINION OF BOARD: The Carrier, in this case, admits violation of Rule 24 of its agreement with the Organization in that it failed to notify a baggage department employe, Isadore Weinshelbaum, within the specified time after a hearing that he had been dismissed for insubordination. The Carrier pleads that it re-hired Weinshelbaum after this proceeding had been originated on the property; that Weinshelbaum had received more than his just due in getting his job back; and that the Carrier had been penalized sufficiently by re-hiring him. We cannot agree. Although some of us may sympathize with the Carrier when we read all the background of the case, we must find that the agreement was violated (technical as the violation may have been) and that Weinshelbaum is entitled to the full restitution claimed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 Carrier violated Rule 24 of the Agreement.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 3rd day of November, 1947.

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