

Award No. 4219  
Docket No. CL-4405

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

**PARTIES TO DISPUTE:**

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

**PACIFIC ELECTRIC RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that Henry Salzer and Roy H. Myers, Truckers, Los Angeles Freight Station, Pacific Electric Railway Company, be restored to service, with seniority and other rights unimpaired and compensated for all monetary loss suffered since January 10, 1948, account arbitrary, capricious, and vindictive discharge.

**OPINION OF BOARD:** Discipline was assessed by the Carrier upon the two claimants in this case because of incidents embraced within six specific charges involving insubordination, absences without permission, falsification in pass requests, and subversive activities, in all of which, with the exception of falsification in pass requests, both claimants were charged with offenses varying in number and degree. Following an investigation conducted in accord with the provisions of the Agreement, and appeals therefrom similarly handled, the case for both claimants has been submitted to this Board and subjected to thorough review.

Considering all the facts and circumstances of this particular case the Board decides the claim of claimant Salzer should be denied and that claimant Myers should be reinstated with seniority rights unimpaired but without compensation for monetary loss.

**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 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

Claim disposed of in accordance with Opinion.

**AWARD**

Claim disposed of in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

**ATTEST:** A. I. Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 3rd day of December, 1948.