

Award No. 5402

Docket No. CL-5464

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Jay S. Parker—Referee

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

Alice M. Harmon, Station Cleaner, Broad Street Suburban Station, Philadelphia, Pennsylvania, be returned to service with all rights unimpaired and compensated for all monetary loss sustained dating from April 27, 1948, until adjusted. (Docket E-639.)

OPINION OF BOARD: This claim is based on the same facts as those involved in Award No. 5401, this day adopted, the only important difference being in the names of the respective employees. What is held in that Award is equally controlling here and it would serve no useful purpose to encumber our records by a prolonged Opinion. Therefore, based on what is said and held in Award No. 5401 we hold the record discloses a situation which warranted the Carrier in disciplining the claimant, Alice M. Harmon, but that the discipline imposed should have been suspension instead of dismissal from service and that on that account she should be restored to the Carrier's service with seniority rights unimpaired within ten days from the date of the adoption of this Award without payment of retroactive reparation.

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 under the facts and circumstances disclosed by the record suspension, not dismissal from service, was the proper disciplinary penalty.

AWARD

Claim as to monetary reparation denied. Claim for restoration to the Carrier's service sustained as set forth in the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 26th day of July, 1951.