

Award No. 5613

Docket No. CL-5798

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

KANSAS CITY TERMINAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of System Committee of the Brotherhood

(a) Mail Handler Robert L. Stone was disciplined by assessment of a day's work and wages on Saturday, May 14, 1949, in violation of the provisions of the agreement between the parties;

(b) The formal charge made against Mr. Stone was not the same charge or reason he was disciplined for by an Assistant General Foreman;

(c) On the merits of the case the Carrier did not prove that Mr. Stone was guilty of the formal charge; and

(d) Mail Handler Robert L. Stone be reimbursed for one day's pay loss suffered May 14, 1949.

OPINION OF BOARD: The claimant in this case was disciplined in violation of Rule 19. Therefore Items (a) and (d) of the claim will be sustained. Having concluded that the Agreement was violated, it is unnecessary to consider and pass upon Items (b) and (c) of the claim.

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 the Agreement was violated as stated in the Opinion.

AWARD

Claims (a) and (d) sustained.

Claims (b) and (c) dismissed in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon,
Acting Secretary.

Dated at Chicago, Illinois, this 14th day of January, 1952