

Award No. 6128

Docket No. CL-6353

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

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

**THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY**

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

1 (a) That Carrier violated rules of the Clerks' Agreement when Management failed to apprise Mr. H. C. Archer, Chief Clerk, Yard Office, Helper, Utah, of the precise charge (or charges) for which he was summoned to appear at an investigation which was held in the Trainmaster's Office on January 22, 1952.

1(b) That Carrier violated rules of the Clerks' Agreement when on January 22, 1952, it proceeded with a formal investigation on a general charge preferred against claimant, Mr. Archer, not stating precisely each accusation made against him during the proceedings of the investigation.

2. That Carrier violated rules of the Clerks' Agreement when on January 29, 1952, Management dismissed Mr. Archer from service account accumulation of one hundred (100) demerit marks in his personal record, although decision rendered by Management on January 29, 1952, purportedly based strictly on their opinion of the evidence as developed at the investigation held on January 22, 1952, did not deem that dismissal from service was warranted.

3. That claimant, Mr. Archer, be reinstated to his position of Chief Clerk at Helper, Utah, Yard Office with seniority rights unimpaired and compensated for all wage loss suffered during the period that he has been withheld from service, beginning Monday, January 21, 1952.

OPINION OF BOARD: Based upon all the facts and circumstances of this particular case the Board decides that H. C. Archer, Chief Clerk, Yard Office, Helper, Utah shall be reinstated to his position with seniority rights unimpaired, effective at once, but without wage loss suffered.

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

That H. C. Archer shall be reinstated to his position with seniority rights unimpaired, effective at once, but without wage loss suffered.

AWARD

Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 12th day of March, 1953.