

Award No. 8227

Docket No. CL-9226

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

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

THE PULLMAN COMPANY

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

1. That the Carrier's action in dismissing Miss Lorana Brown from service, effective February 4, 1955, as a result of investigation held on January 25, 1955, was unreasonable, unjust and arbitrary.

2. That Miss Brown be returned to service with all rights unimpaired and that she be compensated for all monetary loss sustained from February 4, 1955 until adjusted.

OPINION OF BOARD: This is a discipline case. The record discloses that, for some time prior to Claimant's dismissal from service, she had been under treatment for disorders which she alleged were contributing factors in her case.

Based on the record in this case, we conclude that Claimant should be given an opportunity to be examined by a psychiatrist, to be selected by agreement between the parties to this dispute, in order to determine her fitness to perform the duties of her position. If found qualified, she should be restored promptly to her position with seniority unimpaired but without compensation for any monetary loss. To this extent the claim should be sustained.

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 Employee involved in this dispute are respectively Carrier and Employee 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 dispute should be disposed of in accordance with Opinion.

AWARD

Claim is sustained to extent indicated in Opinion and Findings. In all other respects claim is denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January, 1958.