

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

John H. Dorsey, 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 (GL-5544) that:

(a) The Carrier violated the Ruels Agreement, effective May 1, 1942, except as amended, particularly Rules 6-A-1, 6-B-1 and 7-A-1, when it held Mr. Anthony Abbate, Baggageman, Pennsylvania Station, New York, N.Y., New York Region, out of service commencing April 2, 1952, and subsequently imposed discipline of dismissal from service.

(b) Anthony Abbate be restored to service of Carrier with seniority and all other rights unimpaired and his record cleared.

(c) Anthony Abbate be reimbursed for all wage loss sustained commencing April 2, 1952 and continuing until the violation is corrected. In addition, Claimant should be allowed payment in lieu of the vacation which the Carrier denied him in the year 1952.

(Docket 1396)

OPINION OF BOARD: This case arose out of the same incident and raises like issues of unreasonable delay and inexactness of a charge as in Award No. 14504. For reasons stated in Award No. 14504 we will sustain the Claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 Carrier violated the Agreement.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division
ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 8th day of June, 1966.
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