



Award No. 16300

Docket No. TE-15290

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Bernard E. Perelson, Referee

PARTIES TO DISPUTE:

**TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)**

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Pennsylvania Railroad, that:

Claim of the General Committee of The Order of Railroad Telegraphers that E. A. Cratin was unjustly disciplined five (5) days' suspension for being responsible for misrouting No. 835, MU Engine 445, over unwired No. 53 crossover at North Phila. Block & Interlocking Station on June 2, 1963. Cratin's record to be cleared of this discipline.

OPINION OF BOARD: The Claimant was a Group 2 Extra Block Operator, who, on June 2, 1963, was temporarily assigned to fill the position of Block Operator at the Carrier's North Philadelphia Block and Interlocking Station. His tour of duty was from 6:30 A.M. to 2:30 P.M.

While on duty he routed an electric train through a crossover that was not wired for use by electric locomotives.

He was charged with being responsible for the mistake and, after a trial, at which he was the only witness, was disciplined by an assessment of a five day suspension from work. After one day he was returned to work, but his record was debited with a five day suspension.

The claim before us is that his record be cleared of the discipline. There is no monetary claim.

We have carefully examined and carefully searched the record in this case and we are convinced that the Carrier did not meet its burden of justifying, by proper and appropriate evidence, its disciplinary action. Claimant's record, therefore, shall be cleared as requested in this 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 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 the Agreement was violated by the Carrier.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1968.