

Award Number 17564

Docket Number CL-18217

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Gene T. Ritter, Referee

PARTIES TO DISPUTE:

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

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6592) that:

- (a) Carrier violated the Clerks' Agreement when on June 10, 1968, it summarily dismissed John Dobstetter, Assistant Chief Clerk, Jersey City, New Jersey from service, and
- (b) Carrier shall be required to reinstate John Dobstetter to service with seniority and all other rights unimpaired, and
- (c) Carrier shall be required to compensate John Dobstetter all wages and other losses, commencing May 17, 1968 and to continue until reinstated to Carrier's service, account this summary dismissal, and
- (d) Carrier shall be required to clear John Dobstetter's record of all alleged charges or allegations which may have been recorded thereon, as the result of the alleged violation named herein, and
- (e) For any month in which claim is here made for compensation on behalf of the Claimant involved, the Carrier shall also make premium payments on behalf of the Claimant in the appropriate Policy Contract GA-23000, as amended, for Travelers Insurance as prescribed in this contract.

OPINION OF BOARD: Claimant was required to attend investigation involving four separate charges, one of which pertained to violation of Rule "G" concerning the use of intoxicants during his lunch period. Review of the record discloses sufficient evidence to support a finding of guilty of the violation of Rule "G". As to the other three charges our review indicates that Claimant was not required to answer to the second charge by reason of it being dropped from the original list of charges by the Hearing Officer during the investigation. As to the first and fourth charge the evidence is not sufficient to support an unqualified finding of guilty.

Under the circumstances shown by the record in this dispute the violation of Rule "G" does not support the extreme penalty of dismissal from

service. We find the penalty imposed by Carrier is excessive and should be reduced. Claimant should be restored to service with seniority and other rights unimpaired, but without compensation for time lost.

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 has been violated only to the extent shown in the Opinion.

A W A R D

Claim sustained to the extent indicated in the Opinion and denied in other respects.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1969.