



Award Number 17689

Docket Number CL-18349

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

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

SAND SPRINGS RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6615) that:

- (1) Carrier violated the terms of the Agreement between the parties when on September 12, 1968 it permanently removed from the service of the Sand Springs Railway Company Employee Henry Swearngin without just and reasonable cause.
- (2) Carrier shall now be required to restore to service Employee Swearngin and make him whole for all wage losses sustained at the rate of the position he occupied beginning September 12, 1968 and continuing on each work day thereafter until he is restored to service, with vacation and all other rights unimpaired.

OPINION OF BOARD: Based on the entire record, and considering all the circumstances in the case, the Board considers permanent dismissal from the service to be excessive, and concludes Claimant should be restored to service with seniority and other rights unimpaired, but without pay for time lost while out of service.

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 the discipline imposed was excessive.

A W A R D

Claim sustained to the extent indicated in the Opinion and Findings.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 30th day of January 1970.