



Award Number 17690

Docket Number CL-18350

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-6616) that:

- (1) Carrier violated the terms of the Agreement between the parties when on September 13, 1968 it arbitrarily dismissed from its service Mr. Dewey Parker without investigation.
- (2) Carrier shall now restore to service Employee Parker and reimburse him for all time lost, with all vacation and other rights unimpaired, including fringe benefits, from the time of his dismissal from service on September 13, 1968 until such time as he is reinstated to the service of the Sand Springs Railway Company.

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.