



Award Number 17736

Docket Number TE-16999

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Transportation-Communication Employees Union on the Illinois Central Railroad, that:

1. Carrier improperly dismissed J. R. Stone from service on the following dates: August 22, 23, 24, 25, 26, 29, 30, 31, September 1, 2, 3, 6, 7, 8, 9, 12, 13, 14, 15 and 16, 1965.
2. Carrier shall compensate J. R. Stone for one day's pay on each of the above listed dates.

OPINION OF BOARD: This dispute grew out of disciplinary action by the Carrier against five employees resulting from a shortage in station funds at Madison, Illinois, which was discovered on August 13, 1965.

After a joint investigation or hearing all five employees were dismissed from service. Subsequently Carrier reduced the discipline to a thirty day suspension for four of the employees, including claimant. The dismissal of the fifth employee, who was the agent in charge of the station and who had supervision over the other four, was not modified.

Claims in behalf of all five employees were instituted and eventually reached this Board for adjudication. The Carrier's action against agent Mainer was sustained by Award 15931, thus vindicating the Carrier's judgment that he was chiefly responsible for the conditions which resulted in the shortage. Claims in favor of the three clerks involved were disposed of by Award 16522. Clerk Wagoner was held to be blameless and his claim was sustained in full. The other two, Storbeck and Lax, were found to have "condoned carelessness", and the penalty assessed by Carrier against them was reduced to a fifteen day suspension.

A careful review of the record convinces us that claimant Stone was shown to have been in about the same position, so far as blame is concerned, as clerks Storbeck and Lax.

Accordingly, claimant Stone should be compensated for time lost during the second fifteen days of the thirty day suspension originally imposed. See Award 16522.

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.

A W A R D

Claim sustained in accordance with the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of February 1970.