

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19967
Docket Number SG-19642

C. Robert Roadley, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(George P. Baker, Richard C. Bond, Jervis Langdon, Jr.,
(and Willard Wirtz, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Penn Central Transportation Company (former New York Central Railroad-Company-Lines West of Buffalo) that:

(a) Carrier violated the current agreement between this organization and the former New York Central Railroad Company, Lines West of Buffalo, effective March 1, 1951, as amended, particularly Rule 51, when in a letter dated October 12, 1970, it disciplined Leading Signal Mechanic B. I. Clawson, Signal Mechanics C. A. Riffle and T. L. Adams, and Assistant Signal Mechanics W. J. Long and G. L. Hewitt, without first affording them a proper hearing as required by paragraph (a) of that rule.

(b) Carrier should be required to clear their personal records of any reference to this discipline, compensate them for any and all time lost because of it, and for any time spent traveling to and attending the October 1, 1970 investigation, reimburse them for transportation and any other expenses incurred in connection with this matter, and pay them 1 1/2% interest per month, compounded monthly, on all money payable under this claim, with this interest to commence November 1, 1970 and continue until money is paid.

OPINION OF BOARD: The facts and circumstances in this case are identical to those in Third Division Award 19965 except that the claimants here are the members of the Gang of which the claimant in the preceding Award was the Foreman. The primary issue raised by Petitioner, as in Award No. 19965, is whether claimants received a proper hearing in accordance with Rule 51 of the Agreement. Again, Petitioner avers that a precise charge was not furnished by the Carrier prior to the hearing.

The principle set forth by the Board in its determination in Award No. 19965 has equal application in the instant case regarding the question of a proper hearing, wherein we found that claimant had been afforded a fair and impartial hearing and that Carrier had not abused its discretionary authority in the assessment of discipline. To belabor the point in this case would serve no useful purpose. As a matter of fact, it would appear, in light of the circumstances, that the discipline assessed in this case was extremely light.

Award Number 19967
Docket Number SG-19642

Page 2

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 Employee involved in this dispute are respectively Carrier and Employee 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 determination in Award No. 19965 has equal application to this case and we will deny the claim for the same reasons as stated therein.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauloz
Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1973.