

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20049  
Docket Number CL-19794

John H. Dorsey, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(  
(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 System Committee of the Brotherhood (GL-7130)  
that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 6-A-1, when it assessed discipline of five days suspension on N. T. Langham, Shipper and Receiver, Samuel Rea Shops, Hollidaysburg, Pennsylvania.

(b) Claimant N. T. Langham's record be cleared of the charges brought against him on September 29, 1970.

(c) Claimant N. T. Langham be compensated for wage loss sustained during the period out of service.

OPINION OF BOARD: This is a discipline case involving the same parties and Agreement as in Award No. 20048.

The charge served on Claimant herein is identical (except for the name of the charged employee) as in Award No. 20048. Further, the issues raised and the evidence adduced are substantially identical. Therefor, for reasons stated in Award No. 20048 we will sustain the instant claim.

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

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The claim must be sustained, Carrier having failed to satisfy its burden of proof.

A W A R D

Claim sustained with Claimant to be made whole to the extent prescribed in Rule 6-A-1 (h) of the Agreement.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1973.