

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20596
Docket Number CL-20560

William M. Edgett, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees

PARTIES TO DISPUTE: (

(George P. Baker, Richard C. Bond, and Jervis Lang-
(don, Jr., Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7447) that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 6-A-1, when it assessed discipline of 60 days suspension, later reduced to a conditional 15 days, on Claimant T. J. Lack, Clerk at the Carrier's Station, Coatesville, Pa., Eastern Region, Philadelphia Division.

(b) Claimant T. J. Lack's record be cleared of the charges brought against him on September 29, 1972, and that any adverse reports to the Bonding Company be corrected.

(c) Claimant T. J. Lack be compensated for any monetary loss sustained.

OPINION OF BOARD: Claimant was assessed sixty (60) days discipline reduced to fifteen (15) days for failure to properly protect company property on the weekend of July 22-23, 1972.

The Claimant was assigned as a Ticket Clerk at Coatesville, Pennsylvania with tour of duty 6:30 A.M. to 3:30 P.M. - Monday through Friday. Claimant also worked four hours on alternate Saturdays, including the weekend in question.

On the weekend of July 22-23, 1972, the Coatesville Station was ransacked and burglarized by two juveniles, both of whom asserted under separate questioning that the safe door was open and they helped themselves to a sum of money located therein. There was no indication of forcible entry into the safe.

While the evidence establishes some degree of nonfeasance on Claimant's part, in that he neglected to positively check the safe before his departure on Friday and Saturday, it certainly does not establish that it was more than an oversight which, under the existing circumstances of this case, warrants a reprimand as a proper penalty to be assessed.

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 assessed should be modified as discussed above.

A W A R D

Claim disposed of per Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1975.