

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20618
Docket Number CL-20799

Francis X. Quinn, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and Station
(Employees
PARTIES TO DISPUTE: (
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7644) that:

1. The Carrier violated the effective Clerks' Agreement when following an investigation held on June 12, 1973, it arbitrarily and capriciously dismissed Clerk Vincent E. Mendoza from service effective June 14, 1973.

2. That Clerk Vincent E. Mendoza be reinstated to the service of the Carrier with seniority and all other rights unimpaired and his record cleared of the charge.

3. That Clerk Vincent E. Mendoza shall now be compensated for any and all wage loss suffered as the result of his dismissal from Carrier service.

OPINION OF BOARD: The record indicates mitigating circumstances that should have been developed by the Carrier. In view of these mitigating circumstances, Claimant did not deserve the supreme penalty of dismissal from service.

Therefore Claimant will be reinstated to the service of the Carrier with seniority and all other rights unimpaired but without any monetary compensation.

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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated to the extent shown in Opinion.

A W A R D

Claim sustained to the extent and in the manner set forth in Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 21st day of February 1975.