

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20924  
Docket Number CL-21037

Francis X. Quinn, Referee

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

PARTIES TO DISPUTE:

(  
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-7815) that:

1. The Carrier violated not only the rules of our Agreement, but also the spirit and intent of those rules when on Friday, November 23, 1973, they induced Mrs. Eunice Udick, incumbent of Steno-Clerk Job No. 005 in the Division Manager's Office at Milwaukee, Wisconsin, to sign a resignation under threat of having to face an investigation, and that;

2. Since a resignation was secured under duress, the Carrier now be required to reinstate Mrs. Udick to the service of the Carrier and compensate her for all time lost beginning Monday, December 3, 1973, and continuing until such time as she is reinstated.

OPINION OF BOARD: Our review of the record indicates that dismissal in the instant case deserves to be mitigated. Therefore we will restore grievant with seniority but without back pay.

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 Agreement was violated in part.

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Claimant is restored to service with seniority but without back pay.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulsen  
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January 1976.