

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20978
Docket Number CL-20953

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and Station
(Employes
(Southern Pacific Transportation Company
(Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
(GL-7736) that:

(a) The Southern Pacific Transportation Company violated the current Clerks' Agreement when it dismissed Mr. E. W. Brewer, Jr. from service on August 15, 1973; and,

(b) The Southern Pacific Transportation Company shall now be required to reinstate Mr. E. W. Brewer to service and compensate him for eight hours at the rate of his position August 15, 1973 and each date thereafter until restored to service with all seniority rights unimpaired; and,

(c) For any month in which claim is here made for compensation on behalf of Mr. E. W. Brewer, the Carrier shall also make premium payments in his behalf in the appropriate amounts required under Travelers Group Policy Contract GA-23000 as amended, for all benefits prescribed therein.

OPINION OF BOARD: After careful review of the record the question at issue is the amount of discipline. Based on the circumstances of the instant case we find that dismissal deserves to be mitigated. Therefore we will restore the claimant to service but deny his requests for 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 Employes involved in this dispute are respectively Carrier and Employes 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 to be restored to service with seniority rights
unimpaired but without compensation.

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By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1976.