

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21077  
Docket Number CL-20927

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
( (formerly Transportation-Communication  
( Division)  
( Robert W. Blanchette, Richard C. Bond and  
( John H. McArthur, Trustees of the Property  
( of Penn Central Transportation Company,  
( Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,  
GL-7735, that:

(a) The Carrier violated the Rules Agreement, effective September 1, 1949, particularly Article 27, when it assessed discipline of dismissal, later reduced to a suspension, on Claimant C. J. Sweeney, Agent at the Carrier's station in Kingston, Rhode Island.

(b) Claimant C. J. Sweeney's record be cleared of the charges brought against him on September 17, 1973.

(c) Claimant C. J. Sweeney be compensated for wage loss sustained during the period out of service.

OPINION OF BOARD: The Claimant was assigned as an Agent at Kingston Station, Rhode Island, and as one of his delegated responsibilities was to approve telephone calls that originated at that station. He was charged and found guilty of falsely approving certain calls as company business when the transcript indicated they were purely personal. Claimant contended that the calls were related to the damage to his car which occurred while engaged in company business, although he never reported such damage to the company. He was dismissed from service on October 3, 1973, and reinstated on February 9, 1974.

The assessment of discipline in this case was warranted by the record; however, we feel thirty (30) days was sufficient discipline under the particular circumstances, especially in view of Claimant's belief, although erroneous, that the calls were justified as company business.

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

Claim disposed of per Opinion.

A W A R D

Claim disposed of per Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

Dated at Chicago, Illinois, this 19th day of May 1976.