

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21816
Docket Number CL-21763

George S. Roukis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(The Denver and Rio Grande Western
(Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8237) that:

1. Carrier was unreasonable and unjust in suspending Mr. Jerry B. Rickard as a result of the investigation held April 1, 1975.
2. Carrier shall now be requested to compensate Mr. Rickard for March 25, 26, 27, 28 and 31, 1975.

OPINION OF BOARD: (On March 25, 1975, Claimant reported to work at his assigned 11:59 p.m. starting time and, after commencing work, noticed he did not have medicine he was required to take for phlebitis. Ten minutes later he informed another clerk working the same shift that he had forgotten his medicine and was going to get it from his car. He found his medicine was not in his car and left immediately for his home to obtain it, arriving there in approximately ten minutes at which time he called the office to inform them what had occurred. He secured the medicine and arrived back at work approximately twenty minutes later.) The clerk whom he had notified of his intended departure from the premises informed him on his return that he was to contact the supervisor in charge about the incident or that he could return home without working as a replacement had been called to work his position. When Claimant met with the supervisor he was informed that he had been absent from duty without permission and was immediately removed from service. Claimant was properly served notice of formal investigation and following the investigation he was suspended for five working days for his responsibility in the matter.

After careful review of the entire record we find that it does not support Carrier's findings that Claimant was absent from duty without proper authority. Rather, the record discloses that he briefly left his position to retrieve prescribed medication and that he notified his co-worker which was the accepted practice in the office. Claimant notified ✓

his co-worker that he was going to his car; he did not notify him that he was leaving the property until after having done so. This was an error in judgment on the part of Claimant.

Under these circumstances and on this record, we find an actual five-day suspension to be excessive. A reprimand seems to us to be all that was merited. Accordingly, we shall reduce the discipline to a reprimand and Claimant shall be compensated for the five days withheld from service.

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

The Agreement was violated as indicated in the opinion.

A W A R D

Claim sustained as indicated in opinion and findings.



NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 16th day of December 1977.