

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22577
Docket Number CL-22355

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employes
(
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8502) that:

1. Carrier acted in an arbitrary, capricious and unjust manner and violated the agreement between the parties when on June 13, 1977, it dismissed Clerk, D. A. Eddington, from the service of the Carrier for a period of sixty working days, commencing June 21, 1977, to and including September 10, 1977.

2. In view of the foregoing arbitrary, capricious and unjust action of the Carrier, it shall now be required to:

(a) Restore Clerk Eddington to service of the Carrier with all seniority, vacation and other rights unimpaired.

(b) Pay Clerk Eddington for all time lost commencing with June 21, 1977, and continuing until Clerk Eddington is restored to service.

(c) Pay Clerk Eddington for any amount he incurred for medical or surgical expenses for himself or dependents to the extent that such payments could have been paid by Travelers Insurance Company under Group Policy No. GA-23000 and in the event of death of Clerk Eddington, pay his estate the amount of life insurance provided for under said policy. In addition, reimburse him for premium payments he may have made in the purchase of suitable health, welfare and life insurance.

(d) Pay Clerk Eddington interest at the rate of 10% on the amount due under (b) above.

(e) Clear Clerk Eddington's record of all charges as provided for in Rule 31 of the Clerks' Agreement.

OPINION OF BOARD: The Claimant was disciplined after being found guilty of failing to properly notify an employee that he had been displaced and failing to properly record the telephone number of another employee, all in connection with his duties as a crew caller. The claimant was suspended from the service of the Carrier for sixty (60) days.

The record reveals that claimant admits that he did fail to notify brakeman-switchman Nix that he had been displaced. The claimant stated at the investigation that it was a mistake on his part which occurred because the matter arose at a busy time of the day. The record further reveals that when claimant wrote down R. L. Gold's telephone number he wrote down a seven (7) as a nine (9) in error.

Having found that the record supports the finding that the claimant corrected the offenses charged the only other question to be resolved is whether the discipline is excessive. On this point we find for the claimant. A sixty-day suspension is clearly excessive given the nature of the offenses. Claimant should be compensated for all time lost in excess of thirty days.

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

That the Agreement was violated.

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Claim sustained in accordance with this Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1979.