

NATIONAL MEDIATION BOARD, Administrator

PUBLIC LAW BOARD NO. 2512

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

and

SYSTEM FEDERATION NO. 76, RAILWAY EMPLOYEES' DEPARTMENT, AFL-CIO-CLC
BROTHERHOOD OF RAILWAY CARMEN OF THE U.S. AND CANADA

Award No. 29

(Docket No. 30)

(C&NWT File No.

D 7-1-427

S T A T E M E N T O F C L A I M

1. Carman David L. Voss was charged with theft of carton of cereal on February 15, 1980, and removed from service 2/16/80.

2. Carman David L. Voss was held for investigation on February 29, 1980, a date beyond the ten day limit stipulated by Rule 35 for holding an investigation when an employee is held out of service pending investigation.

3. That the Chicago and North Western Transportation Company be ordered to comply with Rule 35 K and reinstate Carman David L. Voss and make him whole, with all benefits that are a condition of employment unimpaired, and compensate him for all time lost plus 13% interest on all such lost wages.

F I N D I N G S

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction over the dispute involved herein.


The procedural issue raised in this dispute and subsequent court action are identical to that in the dispute covered by Award No. 28, and the Board will reach the same judgment.

A W A R D

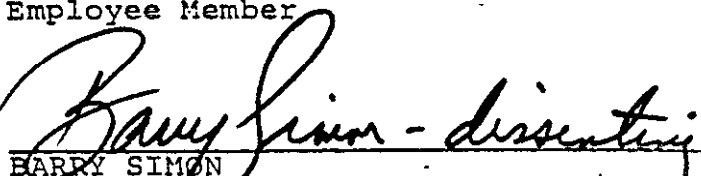
Claim sustained to the extent provided in Rule 35 (h).
The Carrier is directed to put this Award into effect within thirty (30) days of the date of this Award.

DATED:

8/21/57


HERBERT L. MARX, JR.
Neutral Member


C. E. WHEELER
Employee Member


BARRY SIMON
Carrier Member