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Award No. 13
Docket No. 13

SPECIAL BOARD OF ADJUSTMENT NO. 166

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When on June 30, 1956, following investigation held on June 25, 1956, it charged Claimant, Clerk Arthur C. Farr, with the responsibility for removing Company ties from the premises and selling them to Mrs. Jane Ann Gilkes of Frontenac Village, St. Louis County, during the summer of 1955 and March, 1956;
2. The Carrier shall, in accordance with Rule 18(f) of the Clerks' Agreement, clear the record of Clerk Farr and reimburse him for wage loss sustained June 22, 1956 until and inclusive of Friday, July 27, 1956, (when Clerk Farr as reinstated with seniority rights unimpaired and was returned to his position of Ticket Clerk at Kirkwood Station, but without pay for wage loss sustained) for 26 working days, rate \$16.12 per day, amount \$419.12, account Carrier's unjustified action and the failure of the Carrier to sustain the charges against the Claimant, and that any vacation which was due Mr. Farr in the year 1956 for compensated service rendered in 1955 be not adversely affected because of his having been dismissed from service in this case.

FINDINGS: After investigation, the claimant was dismissed on June 30, 1956, and was reinstated by the Superintendent on a leniency basis July 28, 1956. While the original charge upon which he was called for investigation might have indicated possible moral turpitude, the basis of the discipline was simply that he removed used ties from the company premises without permission.

Considering the entire record, the Board has determined that claimant's record should be changed to a disciplinary suspension for two weeks, and that he should be paid for one half of the time lost.

AWARD: Claimant's record shall be changed to suspension for two weeks and he shall be compensated for one half the time lost from June 25, 1956, to July 28, 1956.

SPECIAL BOARD OF ADJUSTMENT NO. 166

/s/ Dudley E. Whiting
Dudley E. Whiting -- Chairman

/s/ Ira F. Thomas
I. F. Thomas -- Employee Member

/s/ G. W. Johnson
G. W. Johnson -- Carrier Member

St. Louis, Missouri
January 17, 1957