

AWARD NO. 2

CASE NO. 2

SPECIAL BOARD OF ADJUSTMENT NO. 421

THE ORDER OF RAILROAD TELEGRAPHERS )  
vs. )  
NEW YORK CENTRAL RAILROAD, EASTERN DISTRICT )  
(Except Boston and Albany Division) and )  
NEW YORK DISTRICT )

STATEMENT OF CLAIM:

1. Carrier failed to comply with the requirements of Article 32 of the Telegrapher's Agreement in the case involving the disciplining of Frank A. Conte, Ticket Agent, Rome, N. Y.
2. The discipline of ten (10) days record suspension assessed against Agent Conte by Carrier, April 1, 1960, shall be removed and his service record shall be cleared of all charges.
3. Mr. Conte shall be paid for any time lost and expenses incurred while attending the hearing March 28, 1960.

OPINION OF BOARD:

The facts of this case do not support the contention in this claim that the Carrier violated the procedural requirements of Agreement Rule 32 in taking disciplinary action against Claimant Conte. The evidence adduced at the hearing on the property was sufficient to support the Carrier's finding and that Claimant was guilty of the charge made against him. We are of the opinion that the discipline assessed against the Claimant was not excessive under the circumstances. Moreover, there is no basis for awarding Claimant the compensation requested.

AWARD: Claim denied.

/s/ Lloyd H. Bailer  
Lloyd H. Bailer, Chairman

/s/ L. Faulds  
L. Faulds, Carrier Member

/s/ R. J. Woodman  
R. J. Woodman, Employee Member

New York, N. Y.  
July 23, 1962