

AWARD NO. 3
CASE NO. 3

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 violated the terms of the Agreement between the parties when it suspended F. A. Conte from service on April 27, 1960.
2. That the carrier shall be required to pay Mr. F. A. Conte for time lost on April 28, 29, and 30, for eight (8) hours each day at the rate of \$2.53 per hour; and for time lost on May 5 and 6, for eight (8) hours each day at the rate of \$2.438 per hour.
3. The carrier violated the terms of the Agreement between the parties when it assessed a 30 day record suspension against F. A. Conte.
4. The Carrier shall be required to clear the record of F. A. Conte of the 30 day record suspension entered thereon.

OPINION OF BOARD:

The facts of this case lead us to conclude that Claimant Conte used poor judgment in his handling of the payroll records but it has not been established that he was guilty of falsifying those records. The claim will be sustained.

AWARD: Claim sustained.

/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