

AWARD NO. 45  
CASE NO. 45

**SPECIAL BOARD OF ADJUSTMENT NO. 421**

TRANSPORTATION-COMMUNICATION EMPLOYEES)  
UNION )

vs. )

NEW YORK CENTRAL RAILROAD, EASTERN )  
DISTRICT (Except Boston and Albany )  
Division) and NEW YORK DISTRICT )



**STATEMENT OF CLAIM:**

Claim of the General Committee of the Transportation-Communication Employees Union on the New York Central System (Eastern District), that:

1. Carrier violated the terms of the Agreement between the parties when, on March 6, 1965, without just cause, it dismissed Mr. K. R. Chambers.
2. Carrier shall now be required to return Mr. Chambers to service with all rights unimpaired, pay him for all loss of wages and for time and expenses incurred while attending a hearing on March 1, 1965.

**OPINION OF BOARD:**

On February 21-22, 1965 Claimant Chambers, who entered Carrier's service about 1950, was covering his regularly assigned Telephoner-Clerk position on the 11:00 P.M. - 7:00 A.M. trick at Himrods, a junction point of the Pennsylvania and New York Central Railroad. Shortly after the beginning of this trick, difficulty was experienced in making communication contact with claimant. At about 1:30 A.M. on the subject date, following certain Carrier inquiries, claimant

was taken out of service. On February 23, 1965 Carrier notified Claimant Chambers to report for a formal hearing to be held in the Trainmaster's office at Corning, New York on March 1, 1965. On March 5, 1965 Carrier notified claimant that, based on the facts developed at the hearing, he was dismissed from service effective February 22, 1965.

The record amply supports the Carrier's finding that Claimant Chambers was seriously derelict in handling his assigned duties on February 21-22, 1965. Claimant therefore made himself liable to disciplinary action. Under all the circumstances, however, we are of the opinion that dismissal was an excessive penalty. We therefore will hold that Claimant Chambers shall be reinstated without back pay but with seniority rights unimpaired and without loss of such vacation rights as may have been earned.

AWARD:

Claim sustained in part and denied in part as stated in above Opinion of Board.

*T. A. Seymour - Dissent*  
T. A. Seymour, Carrier Member

*Lloyd H. Bailer*  
Lloyd H. Bailer, Chairman  
*R. J. Woodman*  
R. J. Woodman, Employee Member

Dated: November 18, 1966