

AWARD NO. 6
CASE NO. 6

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 Article 32 of the Telegraphers' Agreement when it required F. X. Troy, Extra Assistant Agent, Harmon, N. Y., to pay \$35.55 without being accorded a fair and impartial hearing.
2. Carrier shall be required to reimburse F. X. Troy in the amount of \$35.55 together with interest at the rate of 6% from September 2, 1959.

OPINION OF BOARD:

The handling of the "shortages" problem has been a source of considerable confusion on this property. Under the circumstances of subject case, we think Claimant should be reimbursed in the amount which he paid the Carrier at its request (\$35.55), this reimbursement to be made without interest.

We are of the opinion that the proper procedure for handling shortage questions is as follows: If the Carrier requests an employee to make good a shortage, he should either reimburse the Carrier in the amount of the stated shortage or avail himself of the right to a hearing in accordance with Article 32(d) of the Agreement. If the employee reimburses the Carrier, the matter shall be considered closed. If Article 32(d) is invoked by the employee and the Carrier's decision following the hearing is not mutually satisfactory to the parties, said decision may be appealed as provided in the Agreement.

AWARD: Claim sustained in part as stated in the above Opinion of Board.

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

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

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

Dated July 23, 1962.