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Docket No. CL-8131
Award No. 11

SPECIAL BOARD OF ADJUSTMENT NO. 177 (PRR)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

Discipline of thirty days suspension imposed upon John Haywood, Station Baggage man, Baggage Department, Pennsylvania Station, New York, New York, New York Division, be removed and that he be reimbursed for all monetary loss sustained.
(Docket N-361)

FINDINGS: Claimant was given 30 days' suspension for refusal on March 26, 1954 to furnish information in connection with damage to an identified elevator. When first questioned on March 5, 1954, relative to the incident, it would appear from the record that Claimant and his representative were conniving to avoid his giving full and frank statement of such information as he might have, but instead of pressing the matter to conclusion at that time, the Assistant Baggage Agent conducting the investigation ordered Claimant's representative out of the room. Nearly three weeks later the Claimant was notified of further inquiry on March 26th, and refusal at that time of a week's continuance without attempting to arrange for convenient time and without apparent reason was an arbitrary refusal. When Claimant appeared without his representative and stated that his representative had personal business and was not present, Claimant was entitled to continuance and, in the absence of his representative, was within his rights in refusing to make any statement.

AWARD: Claim sustained.

/s/ R. H. Skinner, Jr.
R. H. Skinner, Jr., Carrier Member

/s/ S. V. W. Loehr
S. V. W. Loehr, Employee Member

/s/ Mortimer Stone
Mortimer Stone - Chairman