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Docket No. CL-8191  
Award No. 12

SPECIAL BOARD OF ADJUSTMENT NO. 177 (PRR)

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

Discipline of three days' suspension imposed upon W. A. Acey, Stower, Philadelphia Transfer, Philadelphia, Pennsylvania, Philadelphia Terminal Division, be removed and that he be reimbursed for all monetary loss sustained. (Docket E-929)

FINDINGS: Claimant who was employed as Stower at Philadelphia Transfer was disciplined by three days' suspension on charge that he did not step down the lading in car prior to closing for forwarding.

At the trial the Assistant Agent stated that while making inspection of the stowing of cars to make sure they were in proper order for forwarding he found that there were several pieces of carton freight labeled "fragile" and "extra fragile" stacked up without being stepped down or leveled off in a car located at Spot 426 which was in charge of Claimant as Stower. He took a photograph showing the bad order of the lading, which was put in evidence at the trial, and called another employe to step down and level off the lading after seeking in vain to locate Claimant, since the time for closing the car doors was 4:15 P.M. and it was then 4:08 P.M. He looked through the section and repeatedly called Claimant until 4:25 P.M. without finding him in that vicinity. His statement was supported by the statement of the Tallyman who was called to level off the lading.

At the trial Claimant did not deny that he failed to step down or level off the lading but through his representative gave excuse that he found his way barred by a closed door at 526 Spot so had to take the long way around. He gave no further explanation to show how much extra time was required to go around and did not otherwise explain why he was unable to get to the car before closing time.

Claimant's guilt was admitted, his excuse was inadequate, the trial was fair and penalty not excessive.

AWARD: Claim denied.

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

S. V. W. Loehr, Employe Member

/s/ Mortimer Stone  
Mortimer Stone - Chairman